

October

1960

INDEX OF MINUTES OF MEETING OF
THE STATE LANDS COMMISSION OF OCTOBER 27, 1960

BODY PUBLIC

<u>Applicant</u>	<u>Description</u>	<u>County</u>	<u>Item No.</u>	<u>Page No.</u>
Archibald, J. O.	Permit	San Mateo	2	6359
Black, Elinor H.	Sale	Tulare	17	6393
California Electric Power Company	Easement	Inyo	10	6376
California Interstate Telephone Company	Easement	Inyo	11	6378
Central California Educational Television	Sublease	Contra Costa	9	6374
Day, Grace M.	Sale	San Bernardino	14	6386
Deep Springs, Trustees of	Deferred	Inyo	12	6380
Imperial Beach, City of	Permit	San Diego	3	6361
Nolan, Leo J.	Lease	Marin	5	6366
Pacific Gas and Electric Company	Easement	San Joaquin	6	6368
Public Works, Department of	Permit	Sacramento	4	6363
Public Works, Department of - Division of Highways	Sale	Inyo	13	6383
Rocca, Curtis M.	Sale	Shasta	16	6391
Shell Oil Company	Modification	Santa Barbara- San Diego	7	6370
Spight, Lindsey H.	Sublease	Contra Costa	9	6374
Spaulding, L. B. and L. B., Jr.; Sherar, D. A.	Quitclaim	San Diego	8	6372

ADMINISTRATIVE & POLICY MATTERS

<u>Description</u>	<u>Item No.</u>	<u>Page No.</u>
Bodega Bay, Development & Improvement per Ch. 1064/1959 - Sonoma Co.	21	6408
Budget, 1961-62 F.Y.	24	6414
Federal Land, Selection and Withdrawal - Santa Clara Co.	15	6389
Lease Form, Approval.- Santa Barbara Co.	26	6421
Litigation, Status	25	6418
Mineral Reservation, Purchase (Acuff) - Sacramento Co.	19	6403
Oil & Gas Leases, Santa Barbara Co. (Deferred)	27	6425
Oil & Gas Lease, Ventura Co.	23	6412
Ownership, Sovereign Lands (Coronado Beach, Inc.) - San Diego Co.	22	6410
Subsidence Costs, Long Beach	18	6398
Timber Trespass, Settlement (Snider) - Mendocino Co.	20	6405

State of California

Minutes of the Meeting of the
State Lands Commission
Los Angeles 12, California

October 27, 1960

A regular meeting of the State Lands Commission was held in Room 150 City Hall, Los Angeles 12, California, at 10:12 a.m. on Thursday, October 27, 1960.

Present: Alan Cranston, State Controller, Chairman
Glenn M. Anderson, Lieutenant Governor, Member
John E. Carr, Director of Finance, Member

Staff Members in Attendance:

F. J. Hortig, Executive Officer
Fred W. Kreft, Assistant Executive Officer
Julia T. Stahl, Secretary

Others in Attendance:

Representing the Assembly Interim Committee on Manufacturing, Oil,
and Mining Industry

Douglas J. Hill, Legislative Assistant
Donald D. Spear, Consultant

Representing the Office of the State Controller

Irwin J. Nebron, Deputy State Controller

Representing the Department of Finance, State of California

H. R. Wyllie, Consultant

Representing the Department of Public Works, State of California

R. B. Pegram, Attorney

Representing the Department of Water Resources, State of California

Vernon E. Valentine, Senior Hydraulic Engineer

Representing the County of Sonoma

E. J. "Nin" Guidotti, Member, County Board of Supervisors
Joseph Maddux, District Attorney
John H. Prather, Planning & Harbor Director
F. B. Sarles, Consulting Engineer

Representing the City of Long Beach

Gerald Desmond, City Attorney
Harold A. Lingle, Deputy City Attorney
W. C. McWhinney, Legislative Representative
L. A. Wheeler, III, Harbor Engineer Assistant,
Long Beach Harbor Department

Representing the City of Los Angeles

C. A. Richards, Administrative Geologist

Representing Oil and Gas Interests

Continental Oil Company

C. M. Curb, Attorney

Edwin W. Pauley & Associates

J. Barton Hutchins

Gulf Oil Corporation of California

Don Gilkison, Area Exploration Manager

Humble Oil & Refining Company

William R. Gardner, Area Attorney

F. E. Schultz, Assistant Area Geophysicist

Paul B. Smith, Area Chief Scout

Mobil Oil Company

Geo. H. Ketchum, Staff Landman

Phillips Petroleum Company

Mark R. Corcoran

D. C. Hemsell, Assistant to Vice President

Wm. E. Kennett, California Geology Manager

Richfield Oil Corporation

K. M. Cook

Shell Oil Company

D. E. Clark

T. R. O'Neill, District Geologist

Signal Oil and Gas Company

Ralph Cormany

Paul Ottoson, Attorney

Standard Oil Company of California,

Western Operations, Inc.

A. C. Riedel, Contract Supervisor

L. E. Scott, Division Acquisition Supervisor

Texaco, Inc.

J. F. McClung, Assistant Division Landman

F. G. Shafer, Division Landman

C. E. Van Gundy, Senior Geologist

Tidewater Oil Company

A. S. Holston, Division Geologist

Union Oil Company of California

Dana B. Braislin, Geologist

Allyn B. Henderson, Attorney

Representing Oil and Gas Interests - (Contd.)

Western Oil & Gas Association
Henry W. Wright, Manager, Land & Tax

The Oil and Gas Journal.
Carl J. Lawrence, West Coast Editor

In Pro Per

Howard H. Belt
Mrs. F. J. Hortig

PRESENTATION OF 25-YEAR SERVICE AWARD TO F. J. HORTIG

Prior to consideration of the regular calendar, the Chairman presented a 25-year service award to the Executive Officer of the State Lands Commission, F. J. Hortig.

The Commission then proceeded with consideration of the regular calendar.

1. NOVEMBER COMMISSION MEETING

It was agreed informally that the next meeting of the Commission would be held in Sacramento on Tuesday, November 15, 1960, at 10:00 a.m.

MINUTE ITEM

2. APPLICATION FOR A DREDGING PERMIT, REDWOOD CREEK, SAN MATEO COUNTY,
J. O. ARCHIBALD - W.O. 3689, P.R.C. 2659.9.

After consideration of Calendar Item 22 attached, and upon motion duly
made and unanimously carried, the following resolution was adopted:

THE EXECUTIVE OFFICER IS AUTHORIZED TO ISSUE TO J. O. ARCHIBALD A PERMIT,
FOR THE PERIOD ENDING DECEMBER 31, 1961, TO EXCAVATE 15,000 CUBIC YARDS
OF MATERIAL, MORE OR LESS, AT A ROYALTY OF ONE CENT PER CUBIC YARD FROM
A PORTION OF THE BED OF REDWOOD CREEK LYING BELOW THE HIGH WATER MARK,
DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHEASTERN CORNER OF THE J. O.
ARCHIBALD PROPERTY; THENCE SOUTHWESTERLY 600 FEET ALONG THE
EXISTING LEVEE; THENCE DUE EAST 115 FEET; THENCE NORTHEASTERLY
600 FEET PARALLEL TO SAID LEVEE; THENCE DUE WEST 115 FEET TO THE
POINT OF BEGINNING, CONTAINING 1.58 ACRES, MORE OR LESS, IN SAN
MATEO COUNTY.

Attachment

Calendar Item 22 (1 page)

CALENDAR ITEM

22.

APPLICATION FOR A DREDGING PERMIT, REDWOOD CREEK, SAN MATEO COUNTY,
J. O. ARCHIBALD - W.O. 3689.

An application has been received from J. O. Archibald of Redwood City, California, for a permit to dredge in the bed of Redwood Creek near the mouth of Steinberger Slough. The proposed dredging will provide an entry channel to a small craft marina located on the applicant's property. An estimated 15,000 cubic yards of material will be extracted from approximately 1.58 acres in the bed of Redwood Creek. All dredged materials will be placed onshore on lands of the Peninsula Celebration Association. This association has no objection to the proposed dredging operations.

On October 24, 1951 (Minute Item 20, page 1472), the Commission directed: "Where dredging is done at private cost for the benefit of navigation, or where it is done so as to have concurrent benefits to navigation, flood control and recreational interests, a minimum royalty of one cent per cubic yard is required. In these cases a favorable opinion from the U. S. Corps of Engineers to the effect that such benefits will result is a requisite."

The Corps of Engineers has advised that the dredging operation would be beneficial to navigation.

The Department of Natural Resources, Division of Small Craft Harbors, has reported no objection to the proposed marina.

The statutory filing fee has been paid by the applicant.

IT IS RECOMMENDED THAT THE EXECUTIVE OFFICER BE AUTHORIZED TO ISSUE TO J. O. ARCHIBALD A PERMIT, FOR THE PERIOD ENDING DECEMBER 31, 1961, TO EXCAVATE 15,000 CUBIC YARDS OF MATERIAL, MORE OR LESS, AT A ROYALTY OF ONE CENT PER CUBIC YARD FROM A PORTION OF THE BED OF REDWOOD CREEK LYING BELOW THE HIGH WATER MARK, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHEASTERN CORNER OF THE J. O. ARCHIBALD PROPERTY; THENCE SOUTHWESTERLY 600 FEET ALONG THE EXISTING LEVEE; THENCE DUE EAST 115 FEET; THENCE NORTHEASTERLY 600 FEET PARALLEL TO SAID LEVEE; THENCE DUE WEST 115 FEET TO THE POINT OF BEGINNING, CONTAINING 1.58 ACRES, MORE OR LESS, IN SAN MATEO COUNTY.

MINUTE ITEM

3. APPLICATION FOR STRUCTURE PERMIT, TIDE AND SUBMERGED LANDS OF THE PACIFIC OCEAN, BEACH GROIN AT IMPERIAL BEACH, SAN DIEGO COUNTY, CITY OF IMPERIAL BEACH - W.O. 3729, P.R.C. 2660.9.

After consideration of Calendar Item 24 attached, and upon motion duly made and unanimously carried, the following resolution was adopted:

THE EXECUTIVE OFFICER IS AUTHORIZED TO ISSUE TO THE CITY OF IMPERIAL BEACH A STRUCTURE PERMIT FOR 49 YEARS, FOR THE CONSTRUCTION AND MAINTENANCE OF A ROCK-MOUND GROIN UPON TIDE AND SUBMERGED LANDS OF THE PACIFIC OCEAN 100 FEET IN WIDTH AND 494 FEET IN LENGTH, DESCRIBED AS FOLLOWS:

A 100-FOOT STRIP OF LAND, BEING 50 FEET ON EITHER SIDE OF A CENTERLINE, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE MEAN HIGH TIDE LINE OF THE PACIFIC OCEAN ON THE SHORE OF THE CITY OF IMPERIAL BEACH, SAN DIEGO COUNTY, AT A LINE BETWEEN SECTIONS 17 AND 30, T. 18 S., R. 2 W., S.B.M., (ALSO BEING THE CENTERLINE OF PALM AVENUE EXTENDED), SAID POINT OF BEGINNING ALSO BEING N. 89° 52' W., 379 FEET FROM THE CENTERLINE OF FIRST STREET (CORONADO AVENUE) AS SHOWN ON THE MAP OF "SILVER STRAND BEACH GARDENS" RECORDED FEBRUARY 2, 1926 AS MAP NO. 1902, SHEET NO. 1, SAN DIEGO COUNTY RECORDER; THENCE CONTINUING WESTERLY ALONG SAID SECTION LINE 494 FEET AND CONTAINING 1.134 ACRES, MORE OR LESS, OF TIDE AND SUBMERGED LANDS IN SAN DIEGO COUNTY.

THE CONSIDERATION FOR ISSUANCE OF THE PERMIT IS THE PROTECTION OF THE PUBLIC BEACH.

Attachment

Calendar Item 24 (1 page)

CALENDAR ITEM

24.

APPLICATION FOR STRUCTURE PERMIT, TIDE AND SUBMERGED LANDS OF THE PACIFIC OCEAN, BEACH GROIN AT IMPERIAL BEACH, SAN DIEGO COUNTY, CITY OF IMPERIAL BEACH - W.O. 3729.

An application has been received from the City of Imperial Beach, pursuant to Section 6321 of the Public Resources Code, for a 49-year permit to provide for a rock groin 26 feet in width and approximately 456 feet in length on a site 100 feet in width and approximately 494 feet in length extending seaward from a point on the mean high tide line adjacent to the west boundary of Ocean Boulevard at its intersection with Palm Avenue. The adjoining upland is a dedicated, City-owned street.

The U. S. Corps of Engineers and the Department of Water Resources are participating financially in this project, which is designed to arrest sand drift and protect the beach from erosion.

No permit fees are required.

IT IS RECOMMENDED THAT THE EXECUTIVE OFFICER BE AUTHORIZED TO ISSUE TO THE CITY OF IMPERIAL BEACH A STRUCTURE PERMIT FOR 49 YEARS, FOR THE CONSTRUCTION AND MAINTENANCE OF A ROCK-MOUND GROIN UPON TIDE AND SUBMERGED LANDS OF THE PACIFIC OCEAN 100 FEET IN WIDTH AND 494 FEET IN LENGTH, DESCRIBED AS FOLLOWS:

A 100-FOOT STRIP OF LAND, BEING 50 FEET ON EITHER SIDE OF A CENTERLINE, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE MEAN HIGH TIDE LINE OF THE PACIFIC OCEAN ON THE SHORE OF THE CITY OF IMPERIAL BEACH, SAN DIEGO COUNTY, AT A LINE BETWEEN SECTIONS 19 AND 30, T. 18 S., R. 2 W., S.B.M., (ALSO BEING THE CENTERLINE OF PALM AVENUE EXTENDED), SAID POINT OF BEGINNING ALSO BEING N. 89° 52' W., 330 FEET FROM THE CENTERLINE OF FIRST STREET (CORONADO AVENUE) AS SHOWN ON THE MAP OF "SILVER STRAND BEACH GARDENS" RECORDED FEBRUARY 2, 1926 AS MAP NO. 1902, SHEET NO. 1, SAN DIEGO COUNTY RECORDER; THENCE CONTINUING WESTERLY ALONG SAID SECTION LINE 494 FEET AND CONTAINING 1.134 ACRES, MORE OR LESS, OF TIDE AND SUBMERGED LANDS IN SAN DIEGO COUNTY.

THE CONSIDERATION FOR ISSUANCE OF THE PERMIT IS TO BE THE PROTECTION OF THE PUBLIC BEACH.

MINUTE ITEM

4. APPLICATION FOR DREDGING PERMIT, SOVEREIGN LAND, SACRAMENTO RIVER AND GEORGIANA SLOUGH, WALNUT GROVE AREA, SACRAMENTO COUNTY, DEPARTMENT OF PUBLIC WORKS, COUNTY OF SACRAMENTO - W.O. 3730, P.R.C. 2661.9.

After consideration of Calendar Item 16 attached, and upon motion duly made and unanimously carried, the following resolution was adopted:

THE EXECUTIVE OFFICER IS AUTHORIZED TO ISSUE TO THE COUNTY OF SACRAMENTO, DEPARTMENT OF PUBLIC WORKS, A PERMIT TO DREDGE APPROXIMATELY 16,500 CUBIC YARDS OF MATERIAL, WITHOUT THE PAYMENT OF ROYALTY, FROM SOVEREIGN LANDS IN THE BEDS OF THE SACRAMENTO RIVER AND GEORGIANA SLOUGH AT THEIR CONFLUENCE, FOR THE PERIOD ENDING DECEMBER 31, 1961. THE ISSUANCE OF A PERMIT IS TO BE SUBJECT TO THE ISSUANCE OF A DEPARTMENT OF THE ARMY PERMIT AND THE APPROVAL BY THE RECLAMATION BOARD OF THE PROPOSED DREDGING OPERATIONS. THE AREA OF THE PROPOSED DREDGING OPERATIONS IS:

ALL THAT PORTION OF SECTION 35, TOWNSHIP 5 NORTH, RANGE 4 EAST, M.D.B. & M., DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT AT THE JUNCTION OF THE WEST LEVEE OF GEORGIANA SLOUGH AND THE SOUTH LEVEE OF THE SACRAMENTO RIVER LOCATED N. 70° 16' WEST 48.20 FEET, N. 06° 45' WEST 89.50 FEET, S. 85° 43' 45" WEST 331.86 FEET AND N. 00° 10' 19" W. 426.38 FEET FROM A 1 $\frac{1}{4}$ IRON PIPE NEAR THE INNER TOE OF THE EAST LEVEE OF GEORGIANA SLOUGH MARKING THE NORTHWEST CORNER OF THE WALNUT GROVE SCHOOL DISTRICT PROPERTY, SAID NORTHWEST CORNER IS ALSO THE SOUTHWEST CORNER OF PARCEL NO. 16 AS SAID PARCEL, IS SHOWN ON THE MAP OF PROPERTY BELONGING TO CLARA B. LORD, RECORDED IN THE OFFICE OF THE RECORDER OF SACRAMENTO COUNTY, CALIFORNIA, ON APRIL 11, 1929, IN BOOK 3 OF SURVEYS, PAGE 30; THENCE FROM SAID POINT OF BEGINNING N. 54° 10' 19" W. 190.00 FEET; THENCE S. 82° 49' 41" W. 500.00 FEET; THENCE N. 07° 10' 19" W. 250.00 FEET; THENCE N. 82° 49' 41" E. 600.00 FEET; THENCE N. 53° 49' 41" E. 400.00 FEET; THENCE S. 36° 10' 19" E. 400.00 FEET; THENCE S. 34° 49' 41" W. 500 FEET; THENCE N. 56° 11' 15" W. 225.53 FEET TO THE POINT OF BEGINNING. EXCLUDING THEREFROM ALL LANDS WHICH LIE ABOVE MEAN LOW LOWER WATER.

Attachment

Calendar Item 16 (2 pages)

CALENDAR ITEM

16.

APPLICATION FOR DREDGING PERMIT, SOVEREIGN LAND, SACRAMENTO RIVER AND GEORGIANA SLOUGH, WALNUT GROVE AREA, SACRAMENTO COUNTY, DEPARTMENT OF PUBLIC WORKS, COUNTY OF SACRAMENTO - W.O. 3730.

An application has been received from the County of Sacramento for a permit to dredge in an area of submerged land in the beds of the Sacramento River and Georgiana Slough at their confluence, in the vicinity of Walnut Grove, Sacramento County.

The dredged material will be used for the construction of roadway embankments on the following Federal Aid Secondary Routes: FAS Route No. 900 River Road, FAS Route No. 1260 Isleton Road, and the approaches to a proposed bridge across Georgiana Slough. The dredged material, approximately 16,500 cubic yards, would be stockpiled on uplands, for removal to its final position. The sovereign lands to be dredged comprise approximately 8 acres.

The Department of Fish and Game offers no objection to the proposed dredging operations. The applicant has applied to the Corps of Engineers for a Department of the Army permit and has requested approval by The Reclamation Board.

IT IS RECOMMENDED THAT THE COMMISSION AUTHORIZE THE EXECUTIVE OFFICER TO ISSUE TO THE COUNTY OF SACRAMENTO, DEPARTMENT OF PUBLIC WORKS, A PERMIT TO DREDGE APPROXIMATELY 16,500 CUBIC YARDS OF MATERIAL, WITHOUT THE PAYMENT OF ROYALTY, FROM SOVEREIGN LANDS IN THE BEDS OF THE SACRAMENTO RIVER AND GEORGIANA SLOUGH AT THEIR CONFLUENCE, FOR THE PERIOD ENDING DECEMBER 31, 1961. THE ISSUANCE OF A PERMIT IS TO BE SUBJECT TO THE ISSUANCE OF A DEPARTMENT OF THE ARMY PERMIT AND THE APPROVAL BY THE RECLAMATION BOARD OF THE PROPOSED DREDGING OPERATIONS. THE AREA OF THE PROPOSED DREDGING OPERATIONS IS:

ALL THAT PORTION OF SECTION 35, TOWNSHIP 5 NORTH, RANGE 4 EAST, M.D.B. & M., DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT AT THE JUNCTION OF THE WEST LEVEE OF GEORGIANA SLOUGH AND THE SOUTH-LEVEE OF THE SACRAMENTO RIVER LOCATED N. 70° 16' WEST 48.20 FEET, N. 06° 45' WEST 89.50 FEET, S. 85° 43' 45" WEST 331.86 FEET AND N. 00° 10' 19" W. 426.38 FEET FROM A 1½ IRON PIPE NEAR THE INNER TOE OF THE EAST LEVEE OF GEORGIANA SLOUGH MARKING THE NORTHWEST CORNER OF THE WALNUT GROVE SCHOOL DISTRICT PROPERTY, SAID NORTHWEST CORNER IS ALSO THE SOUTHWEST CORNER OF PARCEL NO. 16 AS SAID PARCEL IS SHOWN ON THE MAP OF PROPERTY BELONGING TO CLARA B. LORD, RECORDED IN THE OFFICE OF THE RECORDER OF SACRAMENTO COUNTY, CALIFORNIA, ON APRIL 11, 1929, IN BOOK 3 OF SURVEYS, PAGE 30; THENCE FROM SAID POINT OF BEGINNING N. 54° 10' 19" W. 190.00 FEET; THENCE S. 82° 49' 41" W. 500.00 FEET; THENCE N. 07° 10' 19" W. 250.00 FEET; THENCE N. 82° 49' 41" E. 600.00 FEET; THENCE N. 53° 49' 41" E.

CALENDAR ITEM 16. (CONTD.)

400.00 FEET; THENCE S. $36^{\circ} 10' 19''$ E. 400.00 FEET; THENCE S. $34^{\circ} 49' 41''$ W. 500 FEET; THENCE N. $56^{\circ} 11' 15''$ W. 225.53 FEET TO THE POINT OF BEGINNING. EXCLUDING THEREFROM ALL LANDS WHICH LIE ABOVE MEAN LOW LOWER WATER.

MINUTE ITEM

5. APPLICATION FOR ARK SITE LEASE AT BLACK POINT, MARIN COUNTY, LEO J. NOLAN - W.C. 3715, P.R.C. 2662.1.

Following presentation of Calendar Item 10 attached, Commissioner Carr asked for information about the number of ark-site and related leases that had been issued by the Commission. Commissioner Carr then pointed out the possible interest of the Planning Commissions of the respective counties with leased areas, and stated that a ten-year lease extension term might upset planned orderly development in a particular area.

UPON MOTION MADE BY COMMISSIONER CARR, SECONDED BY COMMISSIONER ANDERSON, AND UNANIMOUSLY CARRIED, A RESOLUTION WAS ADOPTED AUTHORIZING ISSUANCE OF A ONE-YEAR LEASE, EFFECTIVE OCTOBER 1, 1960, TO LEO J. NOLAN, FOR A PARCEL OF TIDE AND SUBMERGED LANDS OF PETALUMA CREEK DESCRIBED AS FOLLOWS:

THAT CERTAIN AREA IN PETALUMA CREEK OCCUPIED BY AN ARK, THE APPROXIMATE CENTER POINT OF WHICH BEARS N. 44° 00' E., 166.00 FEET, MORE OR LESS, FROM STA. 260 AS SHOWN ON A MAP ENTITLED "PLAT OF TIDE AND SUBMERGED LANDS ADJACENT TO RIGHT BANK OF PETALUMA CREEK, VICINITY OF BLACK POINT, MARIN COUNTY, CALIFORNIA, SHEET 1 OF 6" PREPARED BY THE DIVISION OF STATE LANDS, STATE LANDS COMMISSION, TOGETHER WITH THAT CERTAIN AREA OCCUPIED BY A SERVICE SHED.

THE LEASE IS TO PROVIDE FOR A CURRENT ANNUAL RENTAL OF \$80, WITH NO BOND REQUIRED.

A question of policy in connection with all renewals for ark-site and related purposes was then considered, and it was agreed informally that in the future the local planning commission should have an opportunity to consider lease termination dates before staff recommendations are finalized.

Attachment

Calendar Item 10 (1 page)

*This item was
revised by
SLE minutes
Item # 10 (pgs.
7605-06 of
January 24, 1962*

CALENDAR ITEM

10.

APPLICATION FOR ARK SITE LEASE AT BLACK POINT, MARIN COUNTY, LEO J. NOLAN - W.O. 3715.

An application has been received from Leo J. Nolan for a 10-year lease of a portion of the tide and submerged land along the right bank of Petaluma Creek at Black Point for an ark and shed. The lease would replace Lease P.R.C. 118.1, which expired on September 30, 1960.

An inspection of the area indicates no enhancement in value to justify an increase in the annual rental of \$80.

The statutory filing fee has been paid. No bond is required.

IT IS RECOMMENDED THAT THE EXECUTIVE OFFICER BE AUTHORIZED TO ISSUE A 10-YEAR LEASE, EFFECTIVE OCTOBER 1, 1960, TO LEO J. NOLAN FOR A PARCEL OF TIDE AND SUBMERGED LANDS OF PETALUMA CREEK, DESCRIBED AS FOLLOWS:

THAT CERTAIN AREA IN PETALUMA CREEK OCCUPIED BY AN ARK, THE APPROXIMATE CENTER POINT OF WHICH BEARS N. 44° 00' E., 166.00 FEET MORE OR LESS FROM STA. 260 AS SHOWN ON A MAP ENTITLED "PLAT OF TIDE AND SUBMERGED LANDS ADJACENT TO RIGHT BANK OF PETALUMA CREEK, VICINITY OF BLACK POINT, MARIN COUNTY, CALIFORNIA, SHEET 1 OF 6" PREPARED BY THE DIVISION OF STATE LANDS, STATE LANDS COMMISSION, TOGETHER WITH THAT CERTAIN AREA OCCUPIED BY A SERVICE SHED.

THE LEASE IS TO PROVIDE FOR AN ANNUAL RENTAL OF \$80, THE FIRST AND LAST YEARS' RENTAL TO BE PAID IN ADVANCE, WITH NO BOND REQUIRED.

MINUTE ITEM

6. APPLICATION FOR GAS PIPE LINE RIGHT-OF-WAY EASEMENT CROSSING TIDE AND SUBMERGED LANDS OF WHISKY SLOUGH THREE MILES NORTHWEST OF HOLT, SAN JOAQUIN COUNTY, PACIFIC GAS AND ELECTRIC COMPANY - W.O. 3710, P.R.C. 2663.1.

After consideration of Calendar Item 18 attached, and upon motion duly made and unanimously carried, the following resolution was adopted:

THE EXECUTIVE OFFICER IS AUTHORIZED TO ISSUE TO THE PACIFIC GAS AND ELECTRIC COMPANY A RIGHT-OF-WAY EASEMENT FOR 49 YEARS FOR A GAS PIPE LINE UNDER THE FOLLOWING-DESCRIBED PARCEL OF TIDE AND SUBMERGED LANDS OF WHISKY SLOUGH, SITUATE IN SAN JOAQUIN COUNTY:

A STRIP OF TIDE AND SUBMERGED LAND 10 FEET IN WIDTH EXTENDING ACROSS WHISKY SLOUGH, SAN JOAQUIN COUNTY, APPROXIMATELY THREE MILES NORTHWEST OF HOLT, LYING FIVE FEET ON BOTH SIDES OF THE FOLLOWING-DESCRIBED CENTERLINE:

BEGINNING AT A POINT ON THE ORDINARY HIGH WATER MARK ALONG THE LEFT BANK OF WHISKY SLOUGH (AS SAID ORDINARY HIGH WATER MARK EXISTED PRIOR TO THE DREDGING OF TURNER CUT), WHICH BEARS S. 22° 05' 30" W., 9,965.75 FEET, AND S. 63° 24' 30" E., 232 FEET, MORE OR LESS, FROM TRIANGULATION STATION "TURNER" (ZONE 3 CALIFORNIA COORDINATES X = 1,722,974.85 AND Y = 549,819.82), THENCE S. 63° 24' 30" E., 234 FEET, MORE OR LESS, TO THE ORDINARY HIGH WATER MARK ON THE RIGHT BANK OF WHISKY SLOUGH, CONTAINING 0.05 ACRE, MORE OR LESS.

THE TOTAL RENTAL FOR THE 49-YEAR TERM IS \$100, PAYABLE IN ADVANCE. NO SURETY BOND IS TO BE REQUIRED.

Attachment

Calendar Item 18 (1 page)

CALENDAR ITEM

18.

APPLICATION FOR GAS PIPE LINE RIGHT-OF-WAY EASEMENT CROSSING TIDE AND SUBMERGED LANDS OF WHISKY SLOUGH THREE MILES NORTHWEST OF HOLT, SAN JOAQUIN COUNTY, PACIFIC GAS AND ELECTRIC COMPANY - W.O. 3710.

An application has been received from Pacific Gas and Electric Company for lease of a right-of-way 10 feet in width and 234 feet in length, containing 0.05 acres, more or less, for gas pipe line crossing under Whisky Slough three miles northwest of Holt, San Joaquin County, in a rural area.

The estimated value of the lands to be crossed is \$75 per acre; therefore, the calculated rental for a 49-year term would be \$100, the minimum rental in accordance with presently established rates.

No performance bond is required. The statutory filing fee and expense deposit have been paid.

IT IS RECOMMENDED THAT THE EXECUTIVE OFFICER BE AUTHORIZED TO ISSUE TO THE PACIFIC GAS AND ELECTRIC COMPANY A RIGHT-OF-WAY EASEMENT FOR 49 YEARS FOR A GAS PIPE LINE UNDER THE FOLLOWING-DESCRIBED PARCEL OF TIDE AND SUBMERGED LANDS OF WHISKY SLOUGH, SITUATE IN SAN JOAQUIN COUNTY:

A STRIP OF TIDE AND SUBMERGED LAND 10 FEET IN WIDTH EXTENDING ACROSS WHISKY SLOUGH, SAN JOAQUIN COUNTY, APPROXIMATELY THREE MILES NORTHWEST OF HOLT, LYING FIVE FEET ON BOTH SIDES OF THE FOLLOWING-DESCRIBED CENTERLINE:

BEGINNING AT A POINT ON THE ORDINARY HIGH WATER MARK ALONG THE LEFT BANK OF WHISKY SLOUGH (AS SAID ORDINARY HIGH WATER MARK EXISTED PRIOR TO THE DREDGING OF TURNER CUT), WHICH BEARS S. 22° 05' 30" W., 9.965.75 FEET, AND S. 63° 24' 30" E., 232 FEET, MORE OR LESS, FROM TRIANGULATION STATION "TURNER" (ZONE 3 CALIFORNIA COORDINATES X = 1,722,974.85 AND Y = 549,819.82), THENCE S. 63° 24' 30" E., 234 FEET, MORE OR LESS, TO THE ORDINARY HIGH WATER MARK ON THE RIGHT BANK OF WHISKY SLOUGH, CONTAINING 0.05 ACRE, MORE OR LESS.

THE TOTAL RENTAL FOR THE 49-YEAR TERM IS TO BE \$100, PAYABLE IN ADVANCE. NO SURETY BOND IS TO BE REQUIRED.

MINUTE ITEM

7. MODIFICATION OF SUBMARINE GEOPHYSICAL EXPLORATION PERMIT P.R.C. 2485.1 (A), (B), AND (C), SANTA BARBARA, VENTURA, LOS ANGELES, ORANGE AND SAN DIEGO COUNTIES, SHELL OIL COMPANY - W.O. 3746.

Following presentation of Calendar Item 23 attached, the Executive Officer, at the request of Commissioner Carr, commented that the change recommended was for the purpose of modifying the earlier permit so that it would coincide with the latest type of permits being issued by the Commission. He indicated that in the opinion of and within the limits prescribed by the State Fish and Game Commission, the alternate type of explosive being authorized did not offer any additional or different hazards to marine life than the black powder which had been used in the past.

UPON MOTION DULY MADE AND UNANIMOUSLY CARRIED, THE FOLLOWING RESOLUTION WAS ADOPTED:

THE EXECUTIVE OFFICER IS AUTHORIZED TO ISSUE TO THE SHELL OIL COMPANY A MODIFICATION OF SUBMARINE GEOPHYSICAL EXPLORATION PERMIT P.R.C. 2485.1 (A), (B) AND (C). THE SECTION TO BE AMENDED, SECTION 6 OF SAID PERMIT, SHALL BE IN THE FORM AUTHORIZED BY THE COMMISSION UNDER PERMIT P.R.C. 2607.1, ISSUED TO THE SHELL OIL COMPANY ON JULY 28, 1960 (MINUTE ITEM 16, PAGE 6144). ALL OTHER TERMS OF PERMIT P.R.C. 2485.1 (A), (B) AND (C) ARE TO REMAIN UNCHANGED AND IN FULL FORCE AND EFFECT. THE MODIFIED PERMIT IS TO BE EFFECTIVE ONLY AS LONG AS A CONCURRENT PERMIT FROM THE FISH AND GAME COMMISSION IS IN EFFECT FOR THE SAME PURPOSE AND FOR THE SAME AREA.

Attachment

Calendar Item 23 (1 page)

CALENDAR ITEM

23.

MODIFICATION OF SUBMARINE GEOPHYSICAL EXPLORATION PERMIT P.R.C. 2485.1 (A), (B) AND (C), SANTA BARBARA, VENTURA, LOS ANGELES, ORANGE, AND SAN DIEGO COUNTIES, SHELL OIL COMPANY - W.O. 3746.

Submarine Geophysical Exploration Permit P.R.C. 2485.1 was issued to Shell Oil Company on October 5, 1959 (Minute Item 18, page 5266), for the conduct of seismic operations on tide and submerged lands under the jurisdiction of the State Lands Commission. At the request of the Shell Oil Company, the permit was modified on December 17, 1959 (Minute Item 14, page 5478), and again on February 25, 1960 (Minute Item 19, page 5669), to provide for the use of additional types of explosives.

An application has been received from the Shell Oil Company to modify Section 6 of Permit P.R.C. 2485.1 to conform with the provisions of Section 6 of Permit P.R.C. 2607.1, issued to Shell Oil Company on July 28, 1960 (Minute Item 16, page 6144). The section to be modified refers to the size and the number of Explosive Nitramon (WW) or equivalent charges authorized in specific areas.

IT IS RECOMMENDED THAT THE COMMISSION AUTHORIZE THE EXECUTIVE OFFICER TO ISSUE TO THE SHELL OIL COMPANY A MODIFICATION OF SUBMARINE GEOPHYSICAL EXPLORATION PERMIT P.R.C. 2485.1 (A), (B) AND (C). THE SECTION TO BE AMENDED, SECTION 6 OF SAID PERMIT, SHALL BE IN THE FORM AUTHORIZED BY THE COMMISSION UNDER PERMIT P.R.C. 2607.1, ISSUED TO THE SHELL OIL COMPANY ON JULY 28, 1960 (MINUTE ITEM 16, PAGE 6144). ALL OTHER TERMS OF PERMIT P.R.C. 2485.1 (A), (B) AND (C) ARE TO REMAIN UNCHANGED AND IN FULL FORCE AND EFFECT. THE MODIFIED PERMIT IS TO BE EFFECTIVE ONLY AS LONG AS A CONCURRENT PERMIT FROM THE FISH AND GAME COMMISSION IS IN EFFECT FOR THE SAME PURPOSE AND FOR THE SAME AREA.

MINUTE ITEM

8. TERMINATION OF MINERAL EXTRACTION LEASE P.R.C. 1443.2, L. B. SPAULDING, L. B. SPAULDING, JR., AND D. A. SHERAR, SAN DIEGO COUNTY - W.O. 3721.

UPON MOTION DULY MADE AND UNANIMOUSLY CARRIED, THE FOLLOWING RESOLUTION WAS ADOPTED:

1. THE COMMISSION APPROVES THE TERMINATION OF MINERAL EXTRACTION LEASE P.R.C. 1443.2, COVERING THE NW $\frac{1}{4}$ OF SECTION 16, T. 16 S., R. 6 E., S.B.B. & M., SAN DIEGO COUNTY, BY MUTUAL CONSENT OF THE STATE AND OF THE LESSEES, L. B. SPAULDING, L. B. SPAULDING, JR., AND D. A. SHERAR; AND
2. THE EXECUTIVE OFFICER IS AUTHORIZED TO ACCEPT THE QUITCLAIM OF MINERAL EXTRACTION LEASE P.R.C. 1443.2, SUBJECT TO THE REMOVAL BY THE LESSEES OF ALL EQUIPMENT FROM STATE LANDS, AND TO THE PROPER ABANDONMENT OF ALL EXCAVATIONS IN ACCORDANCE WITH STATE LAW. THE TERMINATION AND THE QUITCLAIM ARE TO BE EFFECTIVE SEPTEMBER 28, 1960, AS REQUESTED BY THE LESSEES.

Attachment

Calendar Item 9 (1 page)

CALENDAR ITEM

9.

TERMINATION OF MINERAL EXTRACTION LEASE P.R.C. 1443.2, L. B. SPAULDING, L. B. SPAULDING, JR., AND D. A. SHERAR, SAN DIEGO COUNTY - W.O. 3721.

Preferential Mineral Extraction Lease P.R.C. 1443.2, covering 160 acres in the NW $\frac{1}{4}$ of Section 16, T. 16 S., R. 6 E., S.B.B. & M., San Diego County, was issued to L. B. Spaulding, L. B. Spaulding, Jr., and H. W. Meador on October 7, 1954, pursuant to mineral discovery under Prospecting Permit P.R.C. 1231.2.

On March 24, 1958, the Commission approved the assignment of the interest of H. W. Meador to D. A. Sherar of Titusville, Florida.

A request has been received from the lessees for termination of the lease. Because of the depressed tungsten market, it is no longer economically feasible to operate the lease.

The advance annual rental in the amount of \$160 for the lease year ending October 6, 1960, has been paid. The total ore shipped from the lease area was 1165.0 pounds, valued at \$2,212.37, on which a royalty of \$402.56 was paid to the State.

IT IS RECOMMENDED: (1) THAT THE COMMISSION APPROVE THE TERMINATION OF MINERAL EXTRACTION LEASE P.R.C. 1443.2, COVERING THE NW $\frac{1}{4}$ OF SECTION 16, T. 16 S., R. 6 E., S.B.B. & M., SAN DIEGO COUNTY, BY MUTUAL CONSENT OF THE STATE AND OF THE LESSEES, L. B. SPAULDING, L. B. SPAULDING, JR., AND D. A. SHERAR; AND (2) THAT THE EXECUTIVE OFFICER BE AUTHORIZED TO ACCEPT THE QUITCLAIM OF MINERAL EXTRACTION LEASE P.R.C. 1443.2, SUBJECT TO THE REMOVAL BY THE LESSEES OF ALL EQUIPMENT FROM STATE LANDS, AND TO THE PROPER ABANDONMENT OF ALL EXCAVATIONS IN ACCORDANCE WITH STATE LAW. THE TERMINATION AND THE QUITCLAIM ARE TO BE EFFECTIVE SEPTEMBER 28, 1960, AS REQUESTED BY THE LESSEES.

MINUTE ITEM

9. APPLICATION FOR APPROVAL OF SUBLEASE UNDER P.R.C. 2364.2, SECTION 36, T. 1 N., R. 1 W., M.D.B. & M., CONTRA COSTA COUNTY, LINDSEY H. SPIGHT - W.O. 3720.

After consideration of Calendar Item 11 attached, and upon motion duly made and unanimously carried, the following resolution was adopted:

THE EXECUTIVE OFFICER IS AUTHORIZED TO APPROVE A SUBLEASE, COMMENCING SEPTEMBER 19, 1960, FROM LINDSEY H. SPIGHT, D.B.A. DIABLO COMMUNICATIONS CENTER, TO CENTRAL CALIFORNIA EDUCATIONAL TELEVISION, FOR A PERIOD NOT TO EXCEED THE TENURE OF LEASE P.R.C. 2364.2, THE SUBLEASE TO COVER A PORTION OF THE SITE DESCRIBED AS LOT 4 AND THE $W\frac{1}{2}$ OF LOT 2 OF SECTION 36, T. 1 N., R. 1 W., M.B.B. & M., CONTRA COSTA COUNTY. THE LAND IS TO BE USED TO INSTALL A TWO-WAY MICROWAVE RELAY STATION.

Attachment

Calendar Item 11 (1 page)

CALENDAR ITEM

11.

APPLICATION FOR APPROVAL OF SUBLEASE UNDER P.R.C. 2364.2, SECTION 36, T. 1 N., R. 1 W., M.D.B. & M., CONTRA COSTA COUNTY, LINDSEY H. SPIGHT - W.O. 3720.

Lease P.R.C. 2364.2, covering Lot 4 and the $W\frac{1}{2}$ of Lot 2 of Section 36, T. 1 N., R. 1 W., M.D.B. & M., was issued to Lindsey H. Spight for 15 years beginning March 16, 1959, with provisions for two renewal periods of 10 years each. Land rental is paid to March 16, 1961.

An application has been received from Lindsey H. Spight, d.b.a. Diablo Communications Center, pursuant to the terms of Lease P.R.C. 2364.2, for approval of a sublease to Central California Educational Television, a corporation, commencing September 19, 1960, for a portion of the leased site sufficient for the operation of a two-way microwave relay station. The sublease is to run for an indefinite period not to exceed the tenure of Lease P.R.C. 2364.2.

The Communications Division of the Department of Finance reported on October 3, 1960, that there is no objection to this sublease.

The statutory filing fee has been paid.

IT IS RECOMMENDED THAT THE EXECUTIVE OFFICER BE AUTHORIZED TO APPROVE A SUBLEASE, COMMENCING SEPTEMBER 19, 1960, FROM LINDSEY H. SPIGHT, D.B.A. DIABLO COMMUNICATIONS CENTER, TO CENTRAL CALIFORNIA EDUCATIONAL TELEVISION, FOR A PERIOD NOT TO EXCEED THE TENURE OF LEASE P.R.C. 2364.2. THE SUBLEASE WOULD COVER A PORTION OF THE SITE DESCRIBED AS LOT 4 AND THE $W\frac{1}{2}$ OF LOT 2 OF SECTION 36, T. 1 N., R. 1 W., M.D.B. & M., CONTRA COSTA COUNTY. THE LAND IS TO BE USED TO INSTALL A TWO-WAY MICROWAVE RELAY STATION.

MINUTE ITEM

10. APPLICATION FOR RIGHT-OF-WAY EASEMENT ACROSS CERTAIN SCHOOL LANDS, INYO COUNTY, CALIFORNIA ELECTRIC POWER COMPANY - W.O. 3502, P.R.C. 2664.2.

After consideration of Calendar Item 4 attached, and upon motion duly made and unanimously carried, the following resolution was adopted:

THE EXECUTIVE OFFICER IS AUTHORIZED TO ISSUE TO THE CALIFORNIA ELECTRIC POWER COMPANY, FOR A PERIOD NOT TO EXCEED 49 YEARS, A RIGHT-OF-WAY EASEMENT FOR AN OVERHEAD ELECTRIC POWER TRANSMISSION LINE OVER AND ACROSS CERTAIN SCHOOL LANDS IN INYO COUNTY, DESCRIBED AS FOLLOWS:

A STRIP OF LAND 40 FEET IN WIDTH ACROSS THE $E\frac{1}{2}$ OF THE $NW\frac{1}{4}$, SECTION 36, T. 6 S., R. 36 E., M.D.M., THE CENTERLINE OF WHICH IS DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH LINE OF SAID SECTION 36 THAT BEARS S. $88^{\circ} 59'$ E. 1,669.3 FEET AND S. $1^{\circ} 00'$ E., 5,280 FEET FROM THE NORTHWEST CORNER OF SECTION 25, T. 6 S., R. 36 E., M.D.M., THENCE S. $1^{\circ} 00'$ E. 2,641 FEET TO THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 36, CONTAINING 2.425 ACRES.

THE RENTAL FOR THE 49-YEAR PERIOD IS TO BE \$169.05, PAID IN ADVANCE.

Attachment

Calendar Item 4 (1 page)

CALENDAR ITEM

4.

APPLICATION FOR RIGHT-OF-WAY EASEMENT ACROSS CERTAIN SCHOOL LANDS, INYO COUNTY, CALIFORNIA ELECTRIC POWER COMPANY - W.O. 3502.

An application was received on March 9, 1960, from California Electric Power Company for a right-of-way easement, for a power transmission line, 40 feet in width and 2,641 feet in length, comprising a total of 2.425 acres, across the E $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Section 36, T. 6 S., R. 36 E., M.D.B. & M., Inyo County.

At the estimated value of \$15 per acre, the total rental for 49 years would be \$169.05.

The expense deposit and the statutory filing fee have been paid. No bond is required.

An application to purchase all of the subject NW $\frac{1}{4}$ and the E $\frac{1}{2}$ of Section 36, T. 6 S., R. 36 E., M.D.M., containing 480 acres in Inyo County, was received on October 5, 1959. The applicant-to-purchase has waived any rights of priority resulting from earlier filing.

IT IS RECOMMENDED THAT THE EXECUTIVE OFFICER BE AUTHORIZED TO ISSUE TO THE CALIFORNIA ELECTRIC POWER COMPANY, FOR A PERIOD NOT TO EXCEED 49 YEARS, A RIGHT-OF-WAY EASEMENT FOR AN OVERHEAD ELECTRIC POWER TRANSMISSION LINE OVER AND ACROSS CERTAIN SCHOOL LANDS IN INYO COUNTY, DESCRIBED AS FOLLOWS:

A STRIP OF LAND 40 FEET IN WIDTH ACROSS THE E $\frac{1}{2}$ OF THE NW $\frac{1}{4}$, SECTION 36, T. 6 S., R. 36 E., M.D.M., THE CENTERLINE OF WHICH IS DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH LINE OF SAID SECTION 36 THAT BEARS S. 88° 59' E. 1,669.3 FEET AND S. 1° 00' E., 5,280 FEET FROM THE NORTHWEST CORNER OF SECTION 25, T. 6 S., R. 36 E., M.D.M., THENCE S. 1° 00' E. 2,641 FEET TO THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 36, CONTAINING 2.425 ACRES.

THE RENTAL FOR THE 49-YEAR PERIOD IS TO BE \$169.05, PAID IN ADVANCE.

MINUTE ITEM

11. APPLICATION FOR TELEPHONE POLE LINE RIGHT-OF-WAY EASEMENT, SCHOOL LANDS, INYO COUNTY, CALIFORNIA INTERSTATE TELEPHONE COMPANY - W.O. 3509, P.R.C. 2665.2.

After consideration of Calendar Item 5 attached, and upon motion duly made and unanimously carried, the following resolution was adopted:

THE EXECUTIVE OFFICER IS AUTHORIZED, PURSUANT TO ATTORNEY GENERAL'S OPINION NO. 56/140, TO ISSUE A 49-YEAR EASEMENT TO CALIFORNIA INTERSTATE TELEPHONE COMPANY, FOR THE OPERATION AND MAINTENANCE OF A POLE LINE, OVER AND ACROSS A STRIP OF SCHOOL LAND 30 FEET IN WIDTH AND 2,675 FEET IN LENGTH, SITUATE IN INYO COUNTY, AND FURTHER DESCRIBED AS FOLLOWS:

A PARCEL OF LAND, 30 FEET IN WIDTH, BEING IN THE NORTHWEST QUARTER OF SECTION 36, T. 6 S., R. 36 E., M.D.M., THE CENTER LINE OF WHICH IS DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH LINE OF SAID SECTION 36 THAT BEARS EAST 754 FEET FROM A HUB MARKING THE CORNER COMMON TO SECTIONS 25, 26, 35 AND 36, T. 6 S., R. 36 E., M.D.M., THENCE S. 8° 59' W. 2,675 FEET TO A POINT THAT BEARS EAST 338 FEET FROM THE WEST QUARTER CORNER OF SAID SECTION 36, THE 30-FOOT STRIP HAVING AN AREA OF 1.84 ACRES, MORE OR LESS.

THE LAND RENTAL FOR THE 49-YEAR TERM IS TO BE \$127.89, PAYABLE IN ADVANCE, WITH NO BOND REQUIRED.

Attachment
Calendar Item 5 (1 page)

CALENDAR ITEM

5.

APPLICATION FOR TELEPHONE POLE LINE RIGHT-OF-WAY EASEMENT, SCHOOL LANDS, INYO COUNTY, CALIFORNIA INTERSTATE TELEPHONE COMPANY - W.O. 3509.

On March 11, 1960, the California Interstate Telephone Company applied for a pole-line easement 30 feet in width and 2,675 feet in length, comprising 1.84 acres, more or less, across certain school lands in the NW $\frac{1}{4}$ of Section 36, T. 6 S., R. 36 E., M.D.B. & M., Inyo County, to serve Deep Springs College. The expense deposit and statutory filing fee have been paid.

The appraised value of the State lands is \$15 per acre, resulting in a rental of \$127.89 for the 49-year term.

An application to purchase all of the subject NW $\frac{1}{4}$ and the E $\frac{1}{2}$ of Section 36, T. 6 S., R. 36 E., M.D.B. & M., containing 480 acres, was received on October 5, 1959. The applicant-to-purchase has waived any rights of priority resulting from earlier filing.

IT IS RECOMMENDED THAT THE EXECUTIVE OFFICER BE AUTHORIZED, PURSUANT TO ATTORNEY GENERAL'S OPINION NO. 56/140, TO ISSUE A 49-YEAR EASEMENT TO CALIFORNIA INTERSTATE TELEPHONE COMPANY, FOR THE OPERATION AND MAINTENANCE OF A POLE LINE, OVER AND ACROSS A STRIP OF SCHOOL LAND 30 FEET IN WIDTH AND 2,675 FEET IN LENGTH, SITUATE IN INYO COUNTY, AND FURTHER DESCRIBED AS FOLLOWS:

A PARCEL OF LAND, 30 FEET IN WIDTH, BEING IN THE NORTHWEST QUARTER OF SECTION 36, T. 6 S., R. 36 E., M.D.M., THE CENTER LINE OF WHICH IS DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH LINE OF SAID SECTION 36 THAT BEARS EAST 754 FEET FROM A HUB MARKING THE CORNER COMMON TO SECTIONS 25, 26, 35 AND 36, T. 6 S., R. 36 E., M.D.M., THENCE S. 8° 59' W. 2,675 FEET TO A POINT THAT BEARS EAST 338 FEET FROM THE WEST QUARTER CORNER OF SAID SECTION 36, THE 30-FOOT STRIP HAVING AN AREA OF 1.84 ACRES, MORE OR LESS.

THE LAND RENTAL FOR THE 49-YEAR TERM IS TO BE \$127.89, PAYABLE IN ADVANCE, WITH NO BOND REQUIRED.

MINUTE ITEM

12. APPLICATION FOR RIGHT-OF-WAY EASEMENTS BY TRUSTEES OF DEEP SPRINGS FOR TRANSPORT OF WATER ACROSS PORTIONS OF STATE SCHOOL LANDS, SECTION 36, T. 6 S., R. 36 E., M.D.B. & M., INYO COUNTY - W.O. 3544.

The Executive Officer reported that the office of the law firm acting for the applicant had requested that action on Calendar Item 6 attached be deferred until the next meeting of the Commission, inasmuch as applicant's counsel was on vacation.

Following a brief discussion of the work which had been done in eliminating title problems, and assurance that the counsel for Deep Springs School had expressed prior complete satisfaction with the procedure being recommended by the staff, the Commission approved the request for deferment, and no action was taken.

Attachment

Calendar Item 6 (2 pages)

CALENDAR ITEM

6.

APPLICATION FOR RIGHT-OF-WAY EASEMENTS BY TRUSTEES OF DEEP SPRINGS FOR TRANSPORT OF WATER ACROSS PORTIONS OF STATE SCHOOL LANDS, SECTION 36, T. 6 S., R. 36 E., M.D.B. & M., INYO COUNTY - W.O. 3544.

On April 7, 1960, Trustees of Deep Springs, Administrators for Deep Springs College, applied for easements for water transmission by open ditch and pipe line, with right of ingress and egress for purposes of inspection, repair, replacement thereof, etc., across the NW portion of Section 36, T. 6 S., R. 36 E., M.D.B. & M., Inyo County.

Deep Springs College, a nonprofit educational institution, has reported that the NW $\frac{1}{4}$ of Section 36 has been used for the diversion of water from Wyman Creek to Deep Springs Ranch continuously since prior to 1873. The applicant is dependent upon these facilities to transport most of its water for domestic and irrigation purposes.

The expense deposit and the statutory filing fee have been paid. No bond is required. Based on present use, the land is estimated to be worth \$15 per acre; hence, the total rental for a 49-year easement would be \$388.57 for the 5.58 acres in the parcel.

An application to purchase all of the subject NW $\frac{1}{4}$ and the E $\frac{1}{2}$ of Section 36, T. 6 S., R. 36 E., M.D.B. & M., containing 480 acres in Inyo County, had been received on October 5, 1959. The applicant-to-purchase has waived any rights of priority resulting from earlier filing.

The proposed draft of the easement has been approved, as to form, by the office of the Attorney General.

IT IS RECOMMENDED THAT THE EXECUTIVE OFFICER BE AUTHORIZED TO ISSUE TO TRUSTEES OF DEEP SPRINGS, ADMINISTRATORS FOR DEEP SPRINGS COLLEGE, FOR A PERIOD NOT TO EXCEED 49 YEARS, AT A TOTAL RENTAL OF \$388.57, RIGHT-OF-WAY EASEMENTS AS SET FORTH BELOW:

OPEN DITCH EASEMENT

AN EASEMENT AND RIGHT-OF-WAY FOR AN OPEN DITCH FOR THE TRANSPORTATION OF WATER IN, ON AND OVER THAT CERTAIN STRIP OF LAND SIX FEET IN WIDTH LYING THREE FEET ON EACH SIDE OF THE FOLLOWING-DESCRIBED CENTERLINE:

BEGINNING AT A POINT ON THE SOUTHERLY LINE OF THE NW $\frac{1}{4}$ OF SECTION 36, T. 6 S., R. 36 E., M.D.B. & M., COUNTY OF INYO, STATE OF CALIFORNIA, WHICH BEARS S. 89° 29' 36" E. 1156.91 FEET FROM THE WEST $\frac{1}{4}$ CORNER OF SECTION 36; THENCE N. 01° 32' 30" E. 970.14 FEET AND N. 06° 12' 37" W., 1733.38 FEET TO A POINT ON THE NORTHERLY BOUNDARY OF SECTION 36, WHICH BEARS S. 89° 23' 07" E. 1047.83 FEET FROM THE SECTION CORNER COMMON TO SECTIONS 36, 35, 26 AND 25, CONTAINING .37 ACRE, MORE OR LESS.

CALENDAR ITEM 6. (CONTD.)

SECONDARY OPEN DITCH EASEMENT NO. 1

AN EASEMENT 32 FEET IN WIDTH, FOR THE PURPOSE OF INSPECTION, MAINTENANCE AND REPAIR OF THE AFOREMENTIONED OPEN DITCH, SAID SECONDARY EASEMENT NO. 1 BEING PARALLEL TO THE CENTERLINE OF THE AFOREMENTIONED 6-FOOT OPEN-DITCH EASEMENT AND WHOSE EASTERLY BOUNDARY LINE COINCIDES WITH THE WESTERLY BOUNDARY LINE OF THE SAME AFOREMENTIONED 6-FOOT OPEN-DITCH EASEMENT, CONTAINING 1.99 ACRES, MORE OR LESS.

SECONDARY OPEN DITCH EASEMENT NO. 2

AN EASEMENT SEVEN FEET IN WIDTH, FOR THE PURPOSE OF INSPECTION, MAINTENANCE AND REPAIR OF THE AFOREMENTIONED OPEN DITCH, SAID SECONDARY EASEMENT NO. 2 BEING PARALLEL TO THE CENTERLINE OF THE AFOREMENTIONED 6-FOOT OPEN-DITCH EASEMENT AND WHOSE WESTERLY BOUNDARY LINE COINCIDES WITH THE EASTERLY BOUNDARY LINE OF THE SAME AFOREMENTIONED 6-FOOT OPEN-DITCH EASEMENT, CONTAINING .43 ACRE, MORE OR LESS.

PIPE LINE EASEMENT

AN EASEMENT AND RIGHT-OF-WAY FOR A PIPE LINE FOR THE TRANSPORTATION OF WATER IN, ON AND OVER THAT CERTAIN STRIP OF LAND SIX FEET IN WIDTH LYING THREE FEET ON EACH SIDE OF THE FOLLOWING-DESCRIBED CENTERLINE:

BEGINNING AT A POINT ON THE SOUTHERLY LINE OF THE NW $\frac{1}{4}$ OF SECTION 36, T. 6 S., R. 36 E., M.D.B. & M., COUNTY OF INYO, STATE OF CALIFORNIA, WHICH BEARS S. 89° 29' 36" E. 1727.87 FEET FROM THE WEST $\frac{1}{4}$ CORNER OF SECTION 36; THENCE N. 04° 57' 06" W. 2702.77 FEET TO A POINT ON THE NORTHERLY BOUNDARY OF SECTION 36, WHICH BEARS S. 89° 23' 07" E. 1546.92 FEET FROM THE SECTION CORNER COMMON TO SECTIONS 36, 35, 26 AND 25, CONTAINING .37 ACRE, MORE OR LESS.

SECONDARY PIPE LINE EASEMENT NO. 1

AN EASEMENT 32 FEET IN WIDTH, FOR THE PURPOSE OF INSPECTION, MAINTENANCE AND REPAIR OF THE AFOREMENTIONED PIPE LINE, SAID SECONDARY PIPE LINE EASEMENT NO. 1 BEING PARALLEL TO THE CENTERLINE OF THE AFOREMENTIONED 6-FOOT PIPE LINE EASEMENT AND WHOSE EASTERLY BOUNDARY LINE COINCIDES WITH THE WESTERLY BOUNDARY LINE OF THE SAME AFOREMENTIONED 6-FOOT PIPE LINE EASEMENT, CONTAINING 1.99 ACRES, MORE OR LESS.

SECONDARY PIPE LINE EASEMENT NO. 2

AN EASEMENT SEVEN FEET IN WIDTH, FOR THE PURPOSE OF INSPECTION, MAINTENANCE AND REPAIR OF THE AFOREMENTIONED PIPE LINE, SAID SECONDARY PIPE LINE EASEMENT NO. 2 BEING PARALLEL TO THE CENTERLINE OF THE AFOREMENTIONED 6-FOOT PIPE LINE EASEMENT AND WHOSE WESTERLY BOUNDARY LINE COINCIDES WITH THE EASTERLY BOUNDARY LINE OF THE SAME AFOREMENTIONED 6-FOOT PIPE LINE EASEMENT, CONTAINING .43 ACRE, MORE OR LESS.

MINUTE ITEM

13. APPLICATION BY THE DEPARTMENT OF PUBLIC WORKS, DIVISION OF HIGHWAYS, TO ACQUIRE IN FEE A RIGHT-OF-WAY AND A RELATED MAINTENANCE STATION SITE LOCATED ON STATE SCHOOL LANDS, NW $\frac{1}{4}$ OF SECTION 36, T. 6 S., R. 36 E., M.D.B. & M., INYO COUNTY - W.O. 3543, S.W.O. 7673.

After consideration of Calendar Item 7 attached, and upon motion duly made and unanimously carried, the following resolution was adopted:

THE COMMISSION FINDS THAT THE PORTIONS, AS SET OUT BELOW, OF SECTION 36, T. 6 S., R. 36 E., M.D.B. & M., INYO COUNTY, ARE NOT SUITABLE FOR CULTIVATION WITHOUT ARTIFICIAL IRRIGATION AND AUTHORIZES THE SALE, SUBJECT TO ANY STATUTORY OR CONSTITUTIONAL RESERVATIONS INCLUDING MINERALS, TO THE DEPARTMENT OF PUBLIC WORKS, DIVISION OF HIGHWAYS, FOR \$312.44 CASH:

RIGHT-OF-WAY

BEGINNING AT A POINT ON THE WEST LINE OF SAID SECTION 36, DISTANT N. 1° 06' 45" W. 661.74 FEET FROM THE "X" MARKED GRANITE ROCK MARKING THE WEST $\frac{1}{4}$ SECTION CORNER OF SAID SECTION; THENCE (1) FROM SAID POINT OF BEGINNING ALONG SAID WEST LINE N. 1° 06' 45" W., 162.56 FEET; THENCE (2) N. 36° 51' E. 1942.06 FEET; THENCE (3) ALONG A CURVE TO THE LEFT WITH A RADIUS OF 1950 FEET, AN ARC DISTANCE OF 353.99 FEET TO THE INTERSECTION WITH THE NORTH LINE OF SAID SECTION 36; THENCE (4) ALONG SAID NORTH LINE S. 89° 23' 07" E., 110.47 FEET; THENCE (5) FROM A TANGENT THAT BEARS S. 25° 06' 12" W., ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 2050 FEET, AN ARC DISTANCE OF 420.29 FEET TO A POINT DISTANT S. 53° 09' E., 100.00 FEET FROM THE NORTHEASTERLY TERMINUS OF COURSE (2); THENCE (6) S. 36° 51' W., 2070.22 FEET TO THE POINT OF BEGINNING, CONTAINING 5.479 ACRES, MORE OR LESS.

MAINTENANCE YARD

BEGINNING AT A POINT ON SAID NORTH LINE DISTANT S. 89° 23' 07" E., 900.00 FEET FROM THE NORTHWEST CORNER OF SAID SECTION 36; THENCE (1) FROM SAID POINT OF BEGINNING S. 1° 06' 45" E., 690.10 FEET TO THE INTERSECTION WITH THE NORTHWESTERLY RIGHT OF WAY LINE, ROAD IX-INYO-63-C; THENCE (2) ALONG SAID RIGHT OF WAY LINE, N. 36° 51' E., 479.65 FEET; THENCE (3) ALONG A TANGENT CURVE TO THE LEFT WITH A RADIUS OF 1950 FEET, AN ARC DISTANCE OF 353.99 FEET TO THE INTERSECTION WITH THE NORTH LINE OF SAID SECTION 36; THENCE (4) ALONG SAID NORTH LINE N. 89° 23' 07" W., 486.58 FEET TO THE POINT OF BEGINNING, CONTAINING 4.060 ACRES, MORE OR LESS.

Attachment

Calendar Item 7 (2 pages)

CALENDAR ITEM

7.

APPLICATION BY THE DEPARTMENT OF PUBLIC WORKS, DIVISION OF HIGHWAYS, TO ACQUIRE IN FEE A RIGHT-OF-WAY AND A RELATED MAINTENANCE STATION SITE LOCATED ON STATE SCHOOL LANDS, NW $\frac{1}{4}$ OF SECTION 36, T. 6 S., R. 36 E., M.D.B. & M., INYO COUNTY - W.O. 3543, S.W.O. 7673.

Article 6, Section 6, of the California Constitution, authorized and directed the State Department of Engineering, now the Department of Public Works, to lay out and construct a State highway from Big Pine to Oasis (now Route 63). Pursuant to this directive, the Department in 1919 laid out a State highway, now known as State Highway IX-Inyo-63-C, portions of which traverse the NW $\frac{1}{4}$ of Section 36, T. 6 S., R. 36 E., M.D.B. & M., containing 5.479 acres.

Prior to its adoption as a State highway, this highway was in the County Highway System of Inyo County. Thereafter, by Statutes of 1931, Chapter 82, subsection (f), as amended by Statutes of 1933, Chapter 106, subsection (f), the Department was directed to lay out and construct a State highway from Big Pine to the Nevada State Line via Oasis. In accord with this authority and in order to maintain said State Highway Route 63, the Department in 1935 established for State highway purposes a maintenance yard on a portion of said NW $\frac{1}{4}$ of Section 36, containing 4.060 acres.

State Highway Route 63 and said State Highway maintenance station are now dedicated to a public use and have been so used since their establishment and are necessary to provide transportation facilities for the people of the State of California.

It appears that the best interest of the State will be served by permitting outright sale of these 9.54 acres for \$312.44 to the Department of Public Works, Division of Highways, based on appraisals as hereafter detailed:

5.479 (highway right-of-way)	\$20.00 per acre	\$109.58 Total
4.060 (maintenance station site)	50.00 per acre	203.00 Total

The above totals establish an average of \$32.75 per acre for 9.54 acres, for a total value of \$312.44.

The following are extracts from the appraisal reports relating to the values of these specific lands: The NW $\frac{1}{4}$ and E $\frac{1}{2}$ of Section 36, T. 6 S., R. 36 E., M.D.M., was appraised initially at an average of \$10 per acre when it was believed that the north section line did not encompass all of the Division of Highways improvements. At the time of the initial appraisal, the highest and best use of this land was designated as grazing. The two specific parcels to be sold under Application No. 11628 (Division of Highways) have definite uses. One is a right-of-way for State Highway 63, the other is a site for Division of Highways maintenance station. The latter already has improvements in the form of a chain-link fence, four or five buildings, and necessary facilities. The estimated replacement costs of these buildings is \$15,000 to \$20,000. Therefore, the reappraisal

CALENDAR ITEM 7. (CONTD.)

of these two specific parcels within the NW $\frac{1}{4}$ of Section 36 must reflect a site value with an established use rather than raw land which could best be utilized for grazing purposes.

These parcels are within the area contained in Application to Purchase No. 11514 submitted by Adrienne C. Burke. The prospective buyer of the remainder of the subject section has executed a waiver in favor of the Department of Public Works, Division of Highways, for any priority rights accorded by earlier filing.

No application fee is necessary.

IT IS RECOMMENDED THAT THE COMMISSION FIND THAT THE PORTIONS, AS SET OUT BELOW, OF SECTION 36, T. 6 S., R. 36 E., M.D.B. & M., INYO COUNTY, ARE NOT SUITABLE FOR CULTIVATION WITHOUT ARTIFICIAL IRRIGATION AND AUTHORIZE THE SALE, SUBJECT TO ANY STATUTORY OR CONSTITUTIONAL RESERVATIONS INCLUDING MINERALS, TO THE DEPARTMENT OF PUBLIC WORKS, DIVISION OF HIGHWAYS, FOR \$312.44 CASH:

RIGHT-OF-WAY

BEGINNING AT A POINT ON THE WEST LINE OF SAID SECTION 36, DISTANT N. 1° 06' 45" W. 661.74 FEET FROM THE "X" MARKED GRANITE ROCK MARKING THE WEST $\frac{1}{4}$ SECTION CORNER OF SAID SECTION; THENCE (1) FROM SAID POINT OF BEGINNING ALONG SAID WEST LINE N. 1° 06' 45" W., 162.56 FEET; THENCE (2) N. 36° 51' E. 1942.06 FEET; THENCE (3) ALONG A CURVE TO THE LEFT WITH A RADIUS OF 1950 FEET, AN ARC DISTANCE OF 353.99 FEET TO THE INTERSECTION WITH THE NORTH LINE OF SAID SECTION 36; THENCE (4) ALONG SAID NORTH LINE S. 89° 23' 07" E., 110.47 FEET; THENCE (5) FROM A TANGENT THAT BEARS S. 25° 06' 12" W., ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 2050 FEET, AN ARC DISTANCE OF 420.29 FEET TO A POINT DISTANT S. 53° 09' E., 100.00 FEET FROM THE NORTHEASTERLY TERMINUS OF COURSE (2); THENCE (6) S. 36° 51' W., 2070.22 FEET TO THE POINT OF BEGINNING, CONTAINING 5.479 ACRES, MORE OR LESS.

MAINTENANCE YARD

BEGINNING AT A POINT ON SAID NORTH LINE DISTANT S. 89° 23' 07" E., 900.00 FEET FROM THE NORTHWEST CORNER OF SAID SECTION 36; THENCE (1) FROM SAID POINT OF BEGINNING S. 1° 06' 45" E., 690.10 FEET TO THE INTERSECTION WITH THE NORTHWESTERLY RIGHT OF WAY LINE, ROAD IX-INYO-63-C; THENCE (2) ALONG SAID RIGHT OF WAY LINE, N. 36° 51' E., 479.65 FEET; THENCE (3) ALONG A TANGENT CURVE TO THE LEFT WITH A RADIUS OF 1950 FEET, AN ARC DISTANCE OF 353.99 FEET TO THE INTERSECTION WITH THE NORTH LINE OF SAID SECTION 36; THENCE (4) ALONG SAID NORTH LINE N. 89° 23' 07" W., 486.58 FEET TO THE POINT OF BEGINNING, CONTAINING 4.060 ACRES, MORE OR LESS.

MINUTE ITEM

14. SALES OF VACANT STATE SCHOOL LANDS.

UPON MOTION DULY MADE AND UNANIMOUSLY CARRIED, THE COMMISSION AUTHORIZED THE SALE OF SCHOOL LANDS IN ACCORDANCE WITH THE RECOMMENDATIONS MADE TO THE COMMISSION IN CALENDAR ITEMS ATTACHED HERETO AND TABULATED AS FOLLOWS:

<u>Calendar Item No.</u>	<u>S.W.O. No.</u>	<u>Purchaser</u>
1	7417	Grace M. Day
2	7480	Anthony E. Gallo

Attachments

Calendar Items 1 and 2 (2 pages)

CALENDAR ITEM

1.

SALE OF VACANT SCHOOL LAND, APPLICATION NO. 11512, LOS ANGELES LAND DISTRICT, SAN BERNARDINO COUNTY, GRACE M. DAY - S.W.O. 7417.

An offer has been received from Grace M. Day of San Bernardino, California, to purchase all of Tract 44 (original Section 16), T. 13 N., R. 17 E., S.B.M., excepting therefrom the $S\frac{1}{2}$ of $NW\frac{1}{4}$ of said Tract 44, containing 560 acres in San Bernardino County, for \$1,120, or \$2 per acre.

A staff appraisal shows that the land is not suitable for cultivation without artificial irrigation and establishes its value at \$25 per acre, or a total of \$14,000. At the request of the applicant, two extensions totaling 34 days were granted within which to deposit the required funds. The applicant deposited the necessary amount to meet this value.

The land was advertised for sale with a stipulation that bids must be in excess of \$14,000. No bids were received pursuant to advertising.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT ALL OF TRACT 44 (ORIGINAL SECTION 16), T. 13 N., R. 17 E., S.B.M., EXCEPTING THEREFROM THE $S\frac{1}{2}$ OF $NW\frac{1}{4}$ OF SAID TRACT 44, CONTAINING 560 ACRES IN SAN BERNARDINO COUNTY, IS NOT SUITABLE FOR CULTIVATION WITHOUT ARTIFICIAL IRRIGATION;
2. CONFIRM THE TWO EXTENSIONS TOTALING 34 DAYS GRANTED TO THE APPLICANT, GRACE M. DAY, WITHIN WHICH TO DEPOSIT THE ADDITIONAL FUNDS TO MEET THE APPRAISED VALUE; AND
3. AUTHORIZE THE SALE OF SAID LAND, SUBJECT TO ALL STATUTORY AND CONSTITUTIONAL RESERVATIONS INCLUDING MINERALS, TO THE SOLE APPLICANT, GRACE M. DAY, AT A CASH PRICE OF \$14,000.

CALENDAR ITEM

2.

SALE OF VACANT SCHOOL LAND, APPLICATION NO. 11541, LOS ANGELES LAND DISTRICT, SAN LUIS OBISPO COUNTY, ANTHONY E. GALLO - S.W.O. 7480.

An offer has been received from Anthony E. Gallo of Corte Madera, California, to purchase Lots 1, 2, 3 and 4, being all of fractional Section 36, T. 10 $\frac{1}{2}$ N., R. 27 W., S.B.M., containing 142.88 acres in San Luis Obispo County, for \$857.28, or \$6 per acre, the minimum value established by a prior appraisal.

A staff reappraisal shows that the land is not suitable for cultivation without artificial irrigation and establishes its value at \$10 per acre, or a total of \$1,428.80. The applicant deposited the necessary amount to meet this value.

The land was advertised for sale with a stipulation that bids must be in excess of \$1,428.80. Pursuant to advertising, Ralph L. Jones and Eudora E. Jones of Grover City, California (App. 11643, Los Angeles Land District - S.W.O. 7742), submitted a bid of \$1,577.40, or \$11.04 per acre.

Under Section 2302(d) of Article 5 of the rules and regulations of the State Lands Commission, the first applicant was allowed twenty days from date of opening of bids (August 17, 1960) within which to submit the additional amount of \$148.60 to meet the highest qualified bid. The first applicant, Anthony E. Gallo, met the high bid within this period.

IT IS RECOMMENDED THAT THE COMMISSION FIND THAT LOTS 1, 2, 3 AND 4, BEING ALL OF FRACTIONAL SECTION 36, T. 10 $\frac{1}{2}$ N., R. 27 W., S.B.M., CONTAINING 142.88 ACRES IN SAN LUIS OBISPO CCUNTY, ARE NOT SUITABLE FOR CULTIVATION WITHOUT ARTIFICIAL IRRIGATION, AND AUTHORIZE THE SALE OF SAID LAND, SUBJECT TO ALL STATUTORY AND CONSTITUTIONAL RESERVATIONS INCLUDING MINERALS, TO THE FIRST APPLICANT, ANTHONY E. GALLO, WHO HAS MET THE HIGHEST QUALIFIED BID, AT A CASH PRICE OF \$1,577.40.

MINUTE ITEM

15. SELECTION OF VACANT FEDERAL LAND, LIEU LAND APPLICATION NO. 5375, SACRAMENTO LAND DISTRICT, SANTA CLARA COUNTY, STATE OF CALIFORNIA, STATE LANDS COMMISSION - S.W.O. 6970; AND WITHDRAWAL FOR STATE PARK COMMISSION, STATE DIVISION OF BEACHES AND PARKS - S.W.O. 7763.

After consideration of Calendar Item 21 attached, and upon motion duly made and unanimously carried, the following resolution was adopted:

THE COMMISSION:

1. DETERMINES THAT IT IS TO THE ADVANTAGE OF THE STATE TO SELECT THE FEDERAL LANDS EMBRACED IN THE SW $\frac{1}{4}$ OF SE $\frac{1}{4}$ OF SECTION 17 AND SE $\frac{1}{4}$ OF NE $\frac{1}{4}$ AND NE $\frac{1}{4}$ OF SE $\frac{1}{4}$ OF SECTION 20, T. 8 S., R. 4 E., M.D.M., CONTAINING A TOTAL OF 120 ACRES IN SANTA CLARA COUNTY;
2. APPROVES THE SELECTION OF SAID LAND; AND
3. HOLDS SAID LANDS FOR SALE TO THE STATE PARK COMMISSION, STATE DIVISION OF BEACHES AND PARKS, FOLLOWING THE FILING OF THE STANDARD PURCHASE APPLICATION. SAID SALE IS TO BE MADE AT AN APPRAISED MARKET PRICE TO BE APPROVED BY THE COMMISSION, WITHOUT ADVERTISING FOR COMPETITIVE BIDS.

Attachment

Calendar Item 21 (1 page)

CALENDAR ITEM

21.

SELECTION OF VACANT FEDERAL LAND, LIEU LAND APPLICATION NO. 5375, SACRAMENTO LAND DISTRICT, SANTA CLARA COUNTY, STATE OF CALIFORNIA, STATE LANDS COMMISSION - S.W.O. 6970; AND WITHDRAWAL FOR STATE PARK COMMISSION, STATE DIVISION OF BEACHES AND PARKS - S.W.O. 7763.

The selection application by the State of the SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 17 and SE $\frac{1}{4}$ of NE $\frac{1}{4}$ and NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 20, T. 8 S., R. 4 E., M.D.M., containing a total of 120 acres in Santa Clara County, under the indemnity selection procedure has been accepted by the Bureau of Land Management and the lands were listed (conveyed) to the State on August 11, 1960.

The selection of the subject lands is considered to be to the advantage of the State in that it will assist the State in satisfying deficiencies under the School Land Grant.

On October 5, 1960, Charles A. DeTurk, Chief of the Division of Beaches and Parks, requested that the above-described lands be made available for direct purchase by the State Parks Commission, Division of Beaches and Parks, for State park purposes as a part of Henry W. Coe State Park in Santa Clara County.

The Division has advised that funds are available through Budget Item 400 (ZZ), Chapter 1, Stats. of 1956, for immediate purchase, subject to approval of the State Public Works Board.

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT IT IS TO THE ADVANTAGE OF THE STATE TO SELECT THE FEDERAL LANDS EMBRACED IN THE SW $\frac{1}{4}$ OF SE $\frac{1}{4}$ OF SECTION 17 AND SE $\frac{1}{4}$ OF NE $\frac{1}{4}$ AND NE $\frac{1}{4}$ OF SE $\frac{1}{4}$ OF SECTION 20, T. 8 S., R. 4 E., M.D.M., CONTAINING A TOTAL OF 120 ACRES IN SANTA CLARA COUNTY;
2. APPROVE THE SELECTION OF SAID LAND; AND
3. HOLD SAID LANDS FOR SALE TO THE STATE PARK COMMISSION, STATE DIVISION OF BEACHES AND PARKS, FOLLOWING THE FILING OF THE STANDARD PURCHASE APPLICATION. SAID SALE IS TO BE MADE AT AN APPRAISED MARKET PRICE TO BE APPROVED BY THE COMMISSION, WITHOUT ADVERTISING FOR COMPETITIVE BIDS.

MINUTE ITEM

16. SELECTION AND SALE OF VACANT FEDERAL LAND, LIEU LAND APPLICATION NO. 5012-A, SACRAMENTO LAND DISTRICT, SHASTA COUNTY, CURTIS MITCHELL ROCCA - S.W.O. 5785.

After consideration of Calendar Item 3 attached, and upon motion duly made and unanimously carried, the following resolution was adopted:

THE COMMISSION:

1. DETERMINES THAT IT IS TO THE ADVANTAGE OF THE STATE TO SELECT THE FEDERAL LAND EMBRACED IN SECTION 12, T. 35 N., R. 1 E., M.D.M., CONTAINING 640 ACRES IN SHASTA COUNTY;
2. FINDS THAT SAID LAND IS NOT SUITABLE FOR CULTIVATION WITHOUT ARTIFICIAL IRRIGATION;
3. CONFIRMS THE 30-DAY EXTENSION GRANTED TO THE APPLICANT, CURTIS MITCHELL ROCCA, WITHIN WHICH TO DEPOSIT THE ADDITIONAL FUNDS TO MEET THE APPRAISED VALUE;
4. APPROVES THE SELECTION OF SAID LAND;
5. AUTHORIZE THE SALE OF SAID LAND, FOR CASH, TO CURTIS MITCHELL ROCCA, AT THE APPRAISED PRICE OF \$64,480, SUBJECT TO ALL STATUTORY AND CONSTITUTIONAL RESERVATIONS INCLUDING MINERALS.

Attachment

Calendar Item 3 (1 page)

CALENDAR ITEM

3.

SELECTION AND SALE OF VACANT FEDERAL LAND, LIEU LAND APPLICATION NO. 5012-A, SACRAMENTO LAND DISTRICT, SHASTA COUNTY, CURTIS MITCHELL ROCCA - S.W.O. 5785.

An offer has been received from Curtis Mitchell Rocca of San Francisco, California, to purchase Section 12, T. 35 N., R. 1 E., M.D.M., containing 640 acres in Shasta County. This land may be obtained by the State under the indemnity selection procedure. The applicant made an offer of \$3,200, or \$5 per acre.

A staff appraisal shows that the land is not suitable for cultivation without artificial irrigation and establishes its value at an average of \$100.75 per acre, or a total of \$64,480, including timber thereon. At the request of the applicant, a 30-day extension was granted within which to deposit the required funds. The applicant deposited the necessary amount to meet this value.

The selection of the subject land is considered to be to the advantage of the State in that it will assist in satisfying deficiencies under the School Land Grant.

The State's application to select the land has been accepted by the Bureau of Land Management, and the land was listed (conveyed) to the State on November 17, 1959.

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT IT IS TO THE ADVANTAGE OF THE STATE TO SELECT THE FEDERAL LAND EMBRACED IN SECTION 12, T. 35 N., R. 1 E., M.D.M., CONTAINING 640 ACRES IN SHASTA COUNTY;
2. FIND THAT SAID LAND IS NOT SUITABLE FOR CULTIVATION WITHOUT ARTIFICIAL IRRIGATION;
3. CONFIRM THE 30-DAY EXTENSION GRANTED TO THE APPLICANT, CURTIS MITCHELL ROCCA, WITHIN WHICH TO DEPOSIT THE ADDITIONAL FUNDS TO MEET THE APPRAISED VALUE;
4. APPROVE THE SELECTION OF SAID LAND;
5. AUTHORIZE THE SALE OF SAID LAND, FOR CASH, TO CURTIS MITCHELL ROCCA, AT THE APPRAISED PRICE OF \$64,480, SUBJECT TO ALL STATUTORY AND CONSTITUTIONAL RESERVATIONS INCLUDING MINERALS.

MINUTE ITEM

17. RESCISSION OF RESOLUTION OF JANUARY 21, 1960; RENEGOTIATION OF SALE PRICE FOR SWAMP AND OVERFLOWED LAND, TULARE COUNTY; AUTHORIZATION FOR ISSUANCE OF PATENT TO ELINOR H. BLACK - S.W.O. 7755.

After consideration of Calendar Item 8 attached, and upon motion duly made and unanimously carried, the following resolution was adopted:

THE COMMISSION:

1. RESCINDS THE RESOLUTION IN MINUTE ITEM 21 OF JANUARY 21, 1960 (PAGE 5595);
2. APPROVES A NEGOTIATED SALES PRICE OF \$75 PER ACRE FOR THE LAND INVOLVED;
3. FINDS THAT THE LAND IS SUITABLE FOR AGRICULTURE WITHOUT ARTIFICIAL IRRIGATION; AND
4. AUTHORIZES THE EXECUTIVE OFFICER TO PROCEED WITH THE ISSUANCE OF A PATENT TO THE ACTUAL SETTLER, ELINOR H. BLACK, IN ACCORDANCE WITH THE PROVISIONS OF SECTION 2303 OF TITLE 2, DIVISION 3, OF THE CALIFORNIA ADMINISTRATIVE CODE, FOR THE CASH AMOUNT OF \$238.50, COVERING 3.18 ACRES OF LAND, EMBRACED IN SWAMP AND OVERFLOW SURVEY 1357, TULARE COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 5, T. 18 S., R. 24 E., M.D.M.; THENCE WEST 9.83 CHAINS TO THE MEANDER LINE; THENCE SOUTH $56\frac{1}{4}^{\circ}$ EAST 11.82 CHAINS; THENCE NORTH 6.57 CHAINS TO THE PLACE OF BEGINNING.

Attachment
Calendar Item 8 (4 pages)

CALENDAR ITEM

8.

RESCISSION OF RESOLUTION OF JANUARY 21, 1960; RENEGOTIATION OF SALE PRICE FOR SWAMP AND OVERFLOWED LAND, TULARE COUNTY; AUTHORIZATION FOR ISSUANCE OF PATENT TO ELINOR H. BLACK - S.W.O. 7755.

The State Lands Commission, at its meeting of January 21, 1960 (Minute Item 21, page 5595), adopted a resolution authorizing the Executive Officer, pursuant to the authority of Public Resources Code Section 7729, to issue a patent in the name of Samuel Simon upon receipt of the unpaid principal balance of \$2.55, plus accumulated interest in the amount of \$7.85 and patent fees in the amount of \$11, for a total of \$21.40, for the land embraced in Swamp and Overflowed Survey 1357, Tulare County, described as follows:

Beginning at the northeast corner of the southwest quarter of the northeast quarter of Section 5, T. 18 S., R. 24 E., M.D.M.; thence west 9.83 chains to the meander line; thence south $56\frac{1}{4}^{\circ}$ east 11.82 chains; thence north 6.57 chains to the place of beginning, containing 3.18 acres.

The Commission's action was taken as the result of consideration of Calendar Item 18, which is incorporated herein as follows:

"REQUEST FOR PATENT, SWAMP AND OVERFLOWED SURVEY 1357, TULARE COUNTY, TITLE INSURANCE AND TRUST COMPANY - S.W.O. 7492.

"A request has been received from the Title Insurance and Trust Company of Visalia, California, for the issuance of a patent to certain swamp and overflowed lands located in Section 5, T. 18 S., R. 24 E., M.D.M., identified as Swamp and Overflowed Survey 1357, Tulare County, for which a certificate of purchase was issued on April 4, 1874.

"The facts are as follows: Application was made by Samuel Simon to purchase the following-described parcel:

Beginning at the northeast corner of the southwest quarter of the northeast quarter of Section 5, T. 18 S., R. 24 E., M.D.M.; thence west 9.83 chains to the meander line; thence south $56\frac{1}{4}^{\circ}$ east 11.82 chains; thence north 6.57 chains to the place of beginning, containing 3.18 acres.

"The application was approved by the State Surveyor-General on February 11, 1874, and, subsequently, on April 4, 1874, Certificate of Purchase No. 4032 was issued to the applicant upon the payment of \$0.83, being 20% of the purchase price (\$3.18) and interest at the rate of 7% on the balance for the remainder of 1874. The records of the State Lands Division show that no further payment was made by the applicant or his assigns, and that there remained a principal unpaid balance of \$2.55 plus interest.

CALENDAR ITEM 8. (CONTD.)

"An act was approved May 24, 1917 (Chapter 602, Stats. 1917) to provide for the forfeiture of land sold by the State prior to May 1, 1911, for which full payment was not made at time of purchase or upon which any interest upon any part of the unpaid portion of the purchase was delinquent. However, the statute provided that constructive notice by the State of the pending forfeiture must be given to the applicant or to any person known to have an interest in the land, and that a list of such lands must be filed with the county recorder in the county in which such lands were located.

"Therefore the issue is: By reason of the fact that the State Lands Division records do not show that constructive notice of forfeiture was given by the State Surveyor-General to the purchaser as provided by Chapter 602, Stats. 1917, are the successors in interest of the original applicant, Samuel Simon, who have occupied the land for approximately 60 years and who have paid taxes thereon, entitled to make the unpaid principal and accumulated interest payments and to demand issuance of patent by the State?

"The matter was referred to the office of the Attorney General, and resulted in the issuance of an informal opinion on August 28, 1959. The opinion states that the land in question was not forfeited to the State since the statutory requirement that constructive notice of pending forfeiture be given to the owner of the land was not followed. However, the successors in interest to the certificate of purchase still stand in default, and any proffered payments of unpaid principal and accumulated interest may, in the State's discretion, be rejected.

"In view of the foregoing, the land does not appear to be forfeit; however, the State must receive full payment for the certificate of purchase in order that a patent can be issued under Section 7729 of the Public Resources Code. The successors in interest of the original applicant have requested the issuance of a State patent.

"IT IS RECOMMENDED THAT THE COMMISSION AUTHORIZE THE EXECUTIVE OFFICER TO ISSUE A PATENT, PURSUANT TO THE AUTHORITY OF PUBLIC RESOURCES CODE SECTION 7729, IN THE NAME OF SAMUEL SIMON, UPON RECEIPT OF THE UNPAID PRINCIPAL BALANCE OF \$2.55, PLUS ACCUMULATED INTEREST IN THE AMOUNT OF \$7.85 AND PATENT FEES IN THE AMOUNT OF \$11, FOR A TOTAL OF \$21.40, FOR THE LAND DESCRIBED AS:

BEGINNING AT THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 5, T. 18 S., R. 24 E., M.D.M.; THENCE WEST 9.83 CHAINS TO THE MEANDER LINE; THENCE SOUTH $56\frac{1}{4}^{\circ}$ EAST 11.82 CHAINS; THENCE NORTH 6.57 CHAINS TO THE PLACE OF BEGINNING, CONTAINING 3.18 ACRES.

"THE PATENT IS TO CONTAIN THE APPLICABLE STATUTORY AND CONSTITUTIONAL RESERVATIONS."

CALENDAR ITEM 8. (CONTD.)

The required amount for issuance of the patent was submitted to the State Lands Division by the Title Insurance & Trust Company of Visalia. Accordingly, a patent was prepared for execution by appropriate State officers in accordance with the aforesaid minute item. The patent was then submitted to the Sacramento office of the Attorney General for approval as to form. An informal letter opinion, dated August 9, 1960, was then rendered by Deputy Attorney General Raymond H. Williamson, in which he referred to an earlier opinion by a former Deputy Attorney General, McKisick. The conclusion was reached that by reason of the wording of the forfeiture provisions in the statute (Chapter 602, Stats. 1912), the original Certificate of Purchase involved under this application is subject to being declared null and void for failure to pay principal and interest within the period prescribed by statute. This determination expresses the opposite view to that expressed in the informal opinion dated August 28, 1959, upon which the original calendar item and recommendation were based. Subsequently, by letter dated August 12, 1960, the draft of patent was returned unapproved by the office of the Attorney General.

During the course of review of the problem with the Attorney General's office, it was concluded that an inspection of the parcel, plus a review of the title status, should be made. Accordingly, the staff assembled additional information concerning the character of the land, its present value, and an abstract of the chain of title. The investigation and inspection indicates that: (1) The current-day market value of the land is \$175. per acre; (2) the land is suitable for agriculture without artificial irrigation; (3) there was no complete record chain of title until title to the land vested in the Harrell family by a Decree of Distribution in 1899 from the estate of Samuel Simon, the original applicant.

In view of all the circumstances involved, particularly the questionable status of the original Certificate of Purchase issued to Samuel Simon, it is now the opinion of the office of the Attorney General that the correct procedure would be for the Commission to sell the land on a negotiated basis to the actual settler, in accordance with the authority for sale of land suitable for cultivation without artificial irrigation set forth in Section 2303, Title 2, Division 3 of the California Administrative Code (rules and regulations of the State Lands Commission).

A staff member met on August 25, 1960, with Mrs. Elinor H. Black, who has succeeded to the Harrell interests in the subject land and with Mr. Robert Stewart of the Title Insurance and Trust Company of Visalia.

The record facts were presented to these parties, particularly as to the reasons why the Attorney General's office refused to approve the patent under the original application. They were made aware of their rights to bring a Mandamus action to enforce issuance of the patent. After consideration of the facts and such factors as occupation and payment of taxes on the land by the Harrells for sixty years, it was agreed that Mrs. Black, the occupant, would file a purchase application under Section 2303(e), Title 2, Division 3 of the California Administrative Code, as an actual settler, at a negotiated price of \$75 per acre. The patent to be issued would be subject to all applicable statutory and constitutional reservations.

CALENDAR ITEM 8. (CONTD.)

The purchase application, bearing a date of September 16, 1960, has now been received by the State Lands Division, together with the negotiated cash offer of \$75 per acre.

IT IS RECOMMENDED THAT THE COMMISSION:

1. RESCIND THE RESOLUTION IN MINUTE ITEM 21 OF JANUARY 21, 1960 (PAGE 5595);
2. APPROVE A NEGOTIATED SALES PRICE OF \$75 PER ACFT FOR THE LAND INVOLVED;
3. FIND THAT THE LAND IS SUITABLE FOR AGRICULTURE WITHOUT ARTIFICIAL IRRIGATION; AND
4. AUTHORIZE THE EXECUTIVE OFFICER TO PROCEED WITH THE ISSUANCE OF A PATENT TO THE ACTUAL SETTLER, ELINOR H. BLACK, IN ACCORDANCE WITH THE PROVISIONS OF SECTION 2303 OF TITLE 2, DIVISION 3 OF THE CALIFORNIA ADMINISTRATIVE CODE, FOR THE CASH AMOUNT OF \$238.50, COVERING 3.18 ACRES OF LAND, EMBRACED IN SWAMP AND OVERFLOW SURVEY 1357, TULARE COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 5, T. 18 S., R. 24 E., M.D.M.; THENCE WEST 9.83 CHAINS TO THE MEANDER LINE; THENCE SOUTH $56\frac{1}{4}^{\circ}$ EAST 11.82 CHAINS; THENCE NORTH 6.57 CHAINS TO THE PLACE OF BEGINNING.

MINUTE ITEM

18. CONSIDERATION OF SUBSIDENCE COSTS PROJECTS, LONG BEACH - L.B.W.O.s
10,115, 10,124 AND 10,128.

After consideration of Calendar Item 13 attached, and upon motion duly made and unanimously carried, the following resolution was adopted:

THE COMMISSION APPROVES SUCH COSTS PROPOSED TO BE EXPENDED BY THE CITY OF LONG BEACH, INCLUDING SUBSIDENCE REMEDIAL WORK, AS INDICATED ON EXHIBIT "A" ATTACHED AND HEREBY MADE A PART HEREOF, FOR THE PERIOD OCTOBER 27, 1960 TO TERMINATION DATE; SUBJECT TO THE CONDITIONS, HOWEVER, THAT THE AMOUNTS, IF ANY, OF EACH OF THE ITEMS TO BE ALLOWED ULTIMATELY AS SUBSIDENCE COSTS, DEDUCTIBLE UNDER SECTION 5(a) OF CHAPTER 29, STATUTES OF 1956, 1ST E.S., WILL BE DETERMINED BY THE COMMISSION UPON AN ENGINEERING REVIEW AND FINAL AUDIT SUBSEQUENT TO THE TIME WHEN THE WORK UNDER ANY OF THESE ITEMS IS COMPLETED; THAT THE WORK CONFORM IN ESSENTIAL DETAILS TO THE PLANS AND BACKGROUND MATERIAL HERETOFORE SUBMITTED TO THE COMMISSION; AND THE EXECUTIVE OFFICER, THE ASSISTANT EXECUTIVE OFFICER OR THE SUPERVISING MINERAL RESOURCES ENGINEER ARE AUTHORIZED TO EXECUTE APPROPRIATE WRITTEN INSTRUMENTS REFLECTING THE COMMISSION'S CONDITIONAL APPROVAL.

Attachment

Calendar Item 13 (4 pages)

CALENDAR ITEM

13.

CONSIDERATION OF SUBSIDENCE COSTS PROJECTS, LONG BEACH - L.B.W.O.s 10,115, 10,124 AND 10,128.

On June 23, 1960, the Commission conditionally approved the costs to be expended by the Harbor Department of the City of Long Beach, including subsidence remedial work for the Pier A, Back Area, and Town Lot area projects. Subsequent to the above-stated approval, it developed that additional costs will be incurred by the Harbor Department. These costs will cover the construction of a fire station at Pier A; the removal of the former Harbor Department administration building and garage in the Back Areas Piers A to D; and the construction of a pump station in the Town Lot area.

These subprojects have received initial staff review and are considered to contain some "subsidence costs" as defined in Section 1(f) of Chapter 29, Statutes of 1956, 1st E.S., but not necessarily all of those costs as estimated by the City of Long Beach.

IT IS RECOMMENDED THAT THE COMMISSION APPROVE SUCH COSTS PROPOSED TO BE EXPENDED BY THE CITY OF LONG BEACH, INCLUDING SUBSIDENCE REMEDIAL WORK, AS INDICATED ON EXHIBIT "A" ATTACHED AND HEREBY MADE A PART HEREOF, FOR THE PERIOD OCTOBER 27, 1960 TO TERMINATION DATE; SUBJECT TO THE CONDITIONS, HOWEVER, THAT THE AMOUNTS, IF ANY, OF EACH OF THE ITEMS TO BE ALLOWED ULTIMATELY AS SUBSIDENCE COSTS, DEDUCTIBLE UNDER SECTION 5(a) OF CHAPTER 29, STATUTES OF 1956, 1ST E.S., WILL BE DETERMINED BY THE COMMISSION UPON AN ENGINEERING REVIEW AND FINAL AUDIT SUBSEQUENT TO THE TIME WHEN THE WORK UNDER ANY OF THESE ITEMS IS COMPLETED; THAT THE WORK CONFORM IN ESSENTIAL DETAILS TO THE PLANS AND BACKGROUND MATERIAL HERETOFORE SUBMITTED TO THE COMMISSION; AND THAT THE EXECUTIVE OFFICER, THE ASSISTANT EXECUTIVE OFFICER OR THE SUPERVISING MINERAL RESOURCES ENGINEER BE AUTHORIZED TO EXECUTE APPROPRIATE WRITTEN INSTRUMENTS REFLECTING THE COMMISSION'S CONDITIONAL APPROVAL.

Attachment
Exhibit "A"

EXHIBIT "A"

LONG BEACH WORK ORDER NO. 10,115 - Addition No. 2 to Project and Estimate Submitted by the Port of Long Beach, PIER "A".

<u>ITEM</u>	<u>AFF</u>	<u>WORK PROPOSED</u>	LBHD ESTIMATED SUBPROJECT EXPENDITURES OCTOBER 27, 1960 <u>TO TERMINATION</u>	ESTIMATED SUBSIDENCE <u>COST</u>
1	398	Fire Station (2nd Phase)	\$129,800	\$27,258 (21%)

Note:

1. The term "1st Phase" consists of costs of preliminary work expended subsequent to review of preliminary plans and/or other adequate description. (Typical "1st Phase" costs are engineering design, contract administration and advertising, preparation of site by Harbor Department forces.) For work within the same approved time period, any excess of "1st Phase" approved costs over actual expenditures may be added to "2nd Phase" approvals after date of "2nd Phase" approvals.
2. The term "2nd Phase" consists of additional costs approved subsequent to review of detail construction plans and/or other data sufficient to guide construction operations.

EXHIBIT "A"

LONG BEACH WORK ORDER NO. 10,124 - Addition No. 2 to Project and Estimate
Submitted by the Port of Long Beach, BACK AREAS, PIERS A-D.

<u>ITEM</u>	<u>A/E</u>	<u>WORK PROPOSED</u>	<u>LBHD ESTIMATED SUBPROJECT EXPENDITURES OCTOBER 27, 1960 TO TERMINATION</u>	<u>ESTIMATED SUBSIDENCE COST</u>
1	420	Raise Back Area, Berth 19; Remove Harbor Department Administration Office Building and Garage (2nd Phase)	*	(100%)

* Existing approvals under 1st Phase are sufficient to cover 1st and 2nd Phase costs.

Note:

1. The term "1st Phase" consists of costs of preliminary work expended subsequent to review of preliminary plans and/or other adequate description. (Typical "1st Phase" costs are engineering design, contract administration and advertising, preparation of site by Harbor Department forces.) For work within the same approved time period, any excess of "1st Phase" approved costs over actual expenditures may be added to "2nd Phase" approvals after date of "2nd Phase" approvals.
2. The term "2nd Phase" consists of additional costs approved subsequent to review of detail construction plans and/or other data sufficient to guide construction operations.

EXHIBIT "A"

LONG BEACH WORK ORDER NO. 10,128 - Addition No. 2 to Project and Estimate
Submitted by the Port of Long Beach, TOWN LOT.

<u>ITEM</u>	<u>AFE</u>	<u>WORK PROPOSED</u>	LBHD ESTIMATED SUBPROJECT EXPENDITURES OCTOBER 27, 1960 <u>TO TERMINATION</u>	ESTIMATED SUBSIDENCE <u>COST</u>
1	*	Subproject: Pump Station No. 1, First Street at Pico Avenue (2nd Phase)	\$35,000	\$22,050 (63%)

* AFE to be assigned.

Note:

1. The term "1st Phase" consists of costs of preliminary work expended subsequent to review of preliminary plans and/or other adequate description. (Typical "1st Phase" costs are engineering design, contract administration and advertising, preparation of site by Harbor Department forces.) For work within the same approved time period, any excess of "1st Phase" approved costs over actual expenditures may be added to "2nd Phase" approvals after date of "2nd Phase" approvals.
2. The term "2nd Phase" consists of additional costs approved subsequent to review of detail construction plans and/or other data sufficient to guide construction operations.

MINUTE ITEM

19. APPLICATION TO PURCHASE MINERAL RESERVATION, ROBERT O. AND KATHLEEN D. ACUFF, SACRAMENTO COUNTY - W.O. 3726, GEO.-SACRAMENTO CO.

After consideration of Calendar Item 12 attached, and upon motion duly made and unanimously carried, the following resolution was adopted:

THE EXECUTIVE OFFICER IS AUTHORIZED TO ISSUE A GRANT DEED TO ROBERT O. AND KATHLEEN D. ACUFF FOR THE MINERAL RESERVATION MADE BY THE STATE CONTROLLER ON NOVEMBER 29, 1946, IN THE CONVEYANCE OF THE SOUTH 40 FEET OF LOT 66 AS SHOWN ON THE "PLAT OF CALIFIA VILLA OR BROOKE REALTY CO.'S SUBDIVISION NO. 110", RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF SACRAMENTO COUNTY JUNE 21, 1907, IN BOOK 8 OF MAPS, MAP NO. 32, AND BEING IN THE SOUTH 40 FEET OF THE WEST 50 FEET OF THE NORTH 130 FEET OF BLOCK I (EYE) AS SHOWN ON THE "PLAT OF GOULD BROOKE REALTY CO.'S SUBDIVISION NO. 112", RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF SACRAMENTO COUNTY APRIL 4, 1908, IN BOOK 8 OF THE MAPS, MAP NO. 46; AND THE SOUTH 40 FEET OF LOT 2 IN BLOCK I (EYE) AS SHOWN ON THE "PLAT OF GOULD BROOKE REALTY CO.'S SUBDIVISION NO. 112", RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF SACRAMENTO COUNTY APRIL 4, 1908, IN BOOK 8 OF MAPS, MAP NO. 46. THE GRANT DEED IS TO BE ISSUED AT THE ESTABLISHED FEE OF \$10, IN ACCORDANCE WITH THE PROCEDURE ESTABLISHED BY THE COMMISSION FOR THE DISPOSITION OF RESERVED MINERAL RIGHTS IN ESCHEATED LANDS NOT KNOWN TO CONTAIN MINERALS.

Attachment

Calendar Item 12 (1 page)

CALENDAR ITEM

12.

APPLICATION TO PURCHASE MINERAL RESERVATION, ROBERT O. AND KATHLEEN D. ACUFF, SACRAMENTO COUNTY - W.O. 3726.

Application has been made by Robert O. and Kathleen D. Acuff, as successors in interest to the former estate of Mortimer T. Cummings, for the purchase of the mineral reservation retained by the State in the sale by the State Controller of the south 40 feet of Lot 66 as shown on the "Plat of Califia Villa or Brooke Realty Co.'s Subdivision No. 110", recorded in the office of the County Recorder of Sacramento County, June 21, 1907, in Book 8 of Maps, Map No. 32; and the south 40 feet of Lot 2 in Block I (eye) as shown on the "Plat of Gould Brooke Realty Co.'s Subdivision No. 112", recorded in the office of the County Recorder of Sacramento County April 4, 1908 in Book 8 of Maps, Map No. 46. The mineral reservation is contained in the deed from the State to Wilbur L. and Christine Rose, dated November 29, 1946.

The application ⁶⁴⁰⁴ for purchase is made under Chapter 1212 of the Statutes of 1949 (Section 4606, Public Resources Code) and the procedure for disposition of reserved mineral rights in escheated lands as established by the Commission.

The subject land consists of the south 40 feet of Lot 1 (66) and Lot 2 of an original residential subdivision in the City of Sacramento. The land has been inspected by the staff, and there are no surface indications of mineral value. The tract is now zoned for residential purposes and is presently occupied as a homesite. Extraction of oil, gas, or other minerals would require special zoning. The nearest gas production is approximately nine miles south. Therefore, it is the conclusion of the staff that the land may be classified as not having any currently known mineral value.

The filing fee in the amount of \$5 has been deposited by the applicants.

IT IS RECOMMENDED THAT THE COMMISSION AUTHORIZE THE EXECUTIVE OFFICER TO ISSUE A GRANT DEED TO ROBERT O. AND KATHLEEN D. ACUFF FOR THE MINERAL RESERVATION MADE BY THE STATE CONTROLLER ON NOVEMBER 29, 1946, IN THE CONVEYANCE OF THE SOUTH 40 FEET OF LOT 66 AS SHOWN ON THE "PLAT OF CALIFIA VILLA OR BROOKE REALTY CO.'S SUBDIVISION NO. 110", RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF SACRAMENTO COUNTY JUNE 21, 1907, IN BOOK 8 OF MAPS, MAP NO. 32, AND BEING IN THE SOUTH 40 FEET OF THE WEST 50 FEET OF THE NORTH 130 FEET OF BLOCK I (EYE) AS SHOWN ON THE "PLAT OF GOULD BROOKE REALTY CO.'S SUBDIVISION NO. 112", RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF SACRAMENTO COUNTY APRIL 4, 1908, IN BOOK 8 OF THE MAPS, MAP NO. 46; AND THE SOUTH 40 FEET OF LOT 2 IN BLOCK I (EYE) AS SHOWN ON THE "PLAT OF GOULD BROOKE REALTY CO.'S SUBDIVISION NO. 112", RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF SACRAMENTO COUNTY APRIL 4, 1908, IN BOOK 8 OF MAPS, MAP NO. 46. THE GRANT DEED IS TO BE ISSUED AT THE ESTABLISHED FEE OF \$10, IN ACCORDANCE WITH THE PROCEDURE ESTABLISHED BY THE COMMISSION FOR THE DISPOSITION OF RESERVED MINERAL RIGHTS IN ESCHATEED LANDS NOT KNOWN TO CONTAIN MINERALS.

MINUTE ITEM

20. TIMBER TRESPASS, MENDOCINO COUNTY, EARL J. SNIDER - S.W.O. 7293.

After consideration of Calendar Item 20 attached, and upon motion duly made and unanimously carried, the following resolution was adopted:

THE COMMISSION APPROVES A COMPROMISE SETTLEMENT WITH EARL SNIDER AT THE FIGURE OF \$3,037 AS FULL PAYMENT FOR DAMAGES OCCURRING BY REASON OF A TIMBER TRESPASS BY HIM ON STATE LAND UNDER THE JURISDICTION OF THE COMMISSION, DESCRIBED AS THE SE $\frac{1}{4}$ OF SW $\frac{1}{4}$ OF SECTION 30, T. 5 S., R. 3 E., H.M., AND THE EXECUTIVE OFFICER IS AUTHORIZED TO EXECUTE AN AGREEMENT WHICH MEETS THE APPROVAL OF THE ATTORNEY GENERAL'S OFFICE FOR THE PURPOSE OF RELEASING EARL SNIDER, UPON PAYMENT TO THE COMMISSION OF THE SUM OF \$3,037, FROM THE CLAIM FOR DAMAGES OCCURRING AS THE RESULT OF THE AFORE- SAID TRESPASS.

Attachment

Calendar Item 20 (2 pages)

CALENDAR ITEM

20.

TIMBER TRESPASS, MENDOCINO COUNTY, EARL J. SNIDER - S.W.O. 7293.

As the result of information received which indicated a possible timber-cutting trespass on State land in Mendocino County, a complete investigation was undertaken by the staff. The land involved is described as the SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 30, T. 5 S., R. 3 E., H.M., containing 40 acres in Mendocino County. This land was listed (conveyed) to the State by the United States on September 27, 1956, as indemnity for loss to the School Land Grant. The aforementioned investigation resulted in the finding that the timber-cutting trespass had been committed by Mr. Earl Snider, presently of Turlock, California, between September 27, 1956 (date of acquisition by the State), and July 1, 1957. An admission of this trespass during the above-named period is contained in a letter dated September 21, 1959, signed by Mr. Earl J. Snider.

Having determined the party responsible for the trespass, the appraisal staff undertook a stump cruise to determine the volume of timber removed and to determine such other damage as may have been suffered by the State as the result of the trespass. The damages are summarized as follows:

Timber removed - 542,322 B.F. of Douglas Fir at \$8 per M	\$ 4,338.58
Logging damage, skid road construction, land erosion	600.00
Detraction from salability of land	1,000.00
Cost to State for trespass investigation, cruise and appraisal	2,079.82
TOTAL	\$ 8,018.40

After two meetings with Mr. Earl Snider and his brother, Stuart Snider, a claim for damages in the amount of \$8,018.40 was directed to Mr. Earl Snider in a letter dated January 4, 1960. Subsequently, another meeting was held on March 17, 1960, for the principal purpose of reviewing the financial status of Earl Snider and his apparent inability to meet any reasonable cash settlement.

From these meetings and confirmation by independent review, it was concluded that Earl Snider himself was unable to make any cash settlement with the State, and that any cash offer made by him would be the result of monies advanced by his brother and two sons.

The matter has been reviewed thoroughly with representatives of the Attorney General's office and it has been concluded that if the State proceeds with a court action to obtain a judgment against Mr. Snider for the full amount of the claim, the State would probably be unable to collect anything in fact, in addition to having incurred litigation costs.

Several affidavits have been received from individuals directly or indirectly involved in the transaction indicating that the trespass was not purposeful but rather a combination of circumstances in which Mr. Snider performed in good faith, but unknowingly trespassed. Accordingly, pursuant to the provisions of Section 3346 of the Civil Code of the State of California, the staff considers that a claim for single damages only is proper.

CALENDAR ITEM 20. (CONTD.)

A meeting was held between the staff and Mr. Earl Snider as recently as September 20, 1960, in an attempt to negotiate a larger cash settlement for the State. However, it was stated clearly by Mr. Snider that the offer of \$3,037 is final and that under no circumstances could he settle for an amount in excess of this offer. This was confirmed by letter dated September 23, 1960 from Mr. Snider to the State Lands Division.

IT IS RECOMMENDED THAT THE COMMISSION APPROVE A COMPROMISE SETTLEMENT WITH EARL SNIDER AT THE FIGURE OF \$3,037 AS FULL PAYMENT FOR DAMAGES OCCURRING BY REASON OF A TIMBER TRESPASS BY HIM ON STATE LAND UNDER THE JURISDICTION OF THE COMMISSION, DESCRIBED AS THE SE $\frac{1}{4}$ OF SW $\frac{1}{4}$ OF SECTION 30, T. 5 S., R. 3 E., H.M., AND AUTHORIZE THE EXECUTIVE OFFICER TO EXECUTE AN AGREEMENT WHICH MEETS THE APPROVAL OF THE ATTORNEY GENERAL'S OFFICE FOR THE PURPOSE OF RELEASING EARL SNIDER, UPON PAYMENT TO THE COMMISSION OF THE SUM OF \$3,037, FROM THE CLAIM FOR DAMAGES OCCURRING AS THE RESULT OF THE AFORESAID TRESPASS.

MINUTE ITEM

21. CONDITIONAL APPROVAL OF PROPOSED PLAN FOR IMPROVEMENT AND DEVELOPMENT OF BODEGA BAY BY THE COUNTY OF SONOMA, PER CHAPTER 1064/1959 - W.C. 3733.

Following presentation of Calendar Item No. 15 attached, Commissioner Carr asked for a report on the proposed project from the County of Sonoma. Mr. F. B. Sales, Consulting Engineer for the County of Sonoma, stated that a proposal had been placed on the bond election to authorize the sale of two million dollars worth of general obligation bonds, which will provide dredging in the harbor which is needed in order to provide usable deep water for the commercial fishing fleet, to be dredged to a maximum depth of twelve feet. If the bond issue is authorized, it is anticipated that the work can be done coincidentally with a maintenance operation by the Corps of Engineers, for which expenditures for the present fiscal year have already been authorized by Congress. It is felt that by awarding the contract for dredging coincidentally with that for the work of the Corps of Engineers, a lower bid can be obtained. It is contemplated that this maintenance dredging will provide a deep channel, not only for the existing commercial fishing fleet which operates out of Bodega Bay, but also for a very considerable recreational development on the tidelands of the southeast corner of the Bay. It is proposed that sanitary facilities will be provided for the Doran Park area, which is well patronized and of considerable benefit to other counties than Sonoma. It is also proposed to provide for the creation of marinas, boat-launching ramps, and facilities of that nature, as well as to provide an area which can be developed by commercial interests for parking lots, restaurants, etc., the revenue from which will accrue to the County of Sonoma and will be utilized for the retirement of the bond issue if it is approved. Negotiations have been completed also which will result in the location of a Coast Guard station within the area of the development.

Commissioner Carr stated that he approved the policy of having a county take the initiative in developing this type of area, thus getting more recreational facilities developed in usable areas without obligation to the State.

UPON MOTION MADE BY COMMISSIONER CARR, SECONDED BY COMMISSIONER ANDERSON, AND UNANIMOUSLY CARRIED, THE FOLLOWING RESOLUTION WAS ADOPTED:

THE COUNTY OF SONOMA HAVING PRESENTED TO THE STATE LANDS COMMISSION UNDER DATE OF SEPTEMBER 29, 1960, A PLAN FOR THE IMPROVEMENT AND DEVELOPMENT OF CERTAIN TIDE AND SUBMERGED LANDS IN BODEGA BAY DESCRIBED IN CHAPTER 1064, STATUTES OF 1959, THE COMMISSION NOW DETERMINES THAT SUCH PLAN AND THE IMPROVEMENTS CONTEMPLATED THEREIN WOULD, IF COMPLETED, CONSTITUTE SUBSTANTIAL IMPROVEMENT WITHIN THE MEANING OF SUBDIVISION (g) OF SECTION 1, CHAPTER 1064, STATUTES OF 1959, AND SAID PLAN IS HEREBY CONDITIONALLY APPROVED PURSUANT TO THE PROVISIONS OF SUBDIVISION (h), SECTION 1 OF SAID STATUTE.

Attachment
Calendar Item 15 (1 page)

CALENDAR ITEM

15.

CONDITIONAL APPROVAL OF PROPOSED PLAN FOR IMPROVEMENT AND DEVELOPMENT OF BODEGA BAY BY THE COUNTY OF SONOMA PER CHAPTER 1064/1959 - W.O. 3733.

Chapter 1064, Statutes of 1959, conveyed certain tide and submerged lands in Bodega Bay to the County of Sonoma and also repealed Chapter 1406 of the Statutes of 1951.

Subdivision (g) of Section 1 of Chapter 1064, Statutes of 1959, provides "that within 10 years from the effective date of this act said lands shall be substantially improved by said county without expense to the State and if the State Lands Commission determines that the county has failed to improve said lands as herein required, all right, title and interest of said county in and to all lands granted by this act shall cease and said lands shall revert and rest in the State."

Subdivision (h) of Section 1 of Chapter 1064/1959 provides that the County of Sonoma may within 10 years from the effective date of this act present a proposed plan for the improvement and development of Bodega Bay to the State Lands Commission. If the Commission determines that the plan and improvements contemplated therein would, if completed, constitute substantial improvement within the meaning of Subdivision (g) of Section 1, it shall conditionally approve the plan.

A proposed plan for the improvement of Bodega Bay was presented to the State Lands Division by the County of Sonoma through the consulting engineering firm of Sarles, Brelje & Race. This plan was reviewed by the staff of the State Lands Division and was found to be comprehensive and adequate, and would, if completed, constitute substantial improvement within the meaning of Subdivision (g) of Section 1, Chapter 1064/1959.

IT IS RECOMMENDED THAT THE STATE LANDS COMMISSION ADOPT THE FOLLOWING RESOLUTION:

THE COUNTY OF SONOMA HAVING PRESENTED TO THE STATE LANDS COMMISSION UNDER DATE OF SEPTEMBER 29, 1960, A PLAN FOR THE IMPROVEMENT AND DEVELOPMENT OF CERTAIN TIDE AND SUBMERGED LANDS IN BODEGA BAY DESCRIBED IN CHAPTER 1064, STATUTES OF 1959, THE COMMISSION NOW DETERMINES THAT SUCH PLAN AND THE IMPROVEMENTS CONTEMPLATED THEREIN WOULD, IF COMPLETED, CONSTITUTE SUBSTANTIAL IMPROVEMENT WITHIN THE MEANING OF SUBDIVISION (g) OF SECTION 1, CHAPTER 1064, STATUTES OF 1959, AND SAID PLAN IS HEREBY CONDITIONALLY APPROVED PURSUANT TO THE PROVISIONS OF SUBDIVISION (h), SECTION 1 OF SAID STATUTE.

MINUTE ITEM

22. REQUEST FOR AUTHORIZATION TO FILE ACTION AGAINST CORONADO BEACH, INC., TO ESTABLISH THE STATE'S CLAIM TO CERTAIN ACCRETED LANDS ON SILVER STRAND, IMMEDIATELY SOUTH OF HOTEL DEL CORONADO, SAN DIEGO COUNTY - W.O. 3657.

After consideration of Calendar Item 14 attached, and upon motion duly made and unanimously carried, the following resolution was adopted:

THE EXECUTIVE OFFICER IS AUTHORIZED TO TAKE ALL NECESSARY ACTION TO AFFIRM THE STATE'S SOVEREIGN OWNERSHIP OF THE ACCRETED LANDS WATERWARD OF THE ORDINARY HIGH WATER MARK ESTABLISHED BY THE COMMISSION'S SURVEY OF JUNE 1941, BOUNDING UPLANDS OWNED BY CORONADO BEACH, INC., ON THE OCEAN SIDE OF SILVER STRAND, SAN DIEGO COUNTY.

Attachment

Calendar Item 14 (1 page)

CALENDAR ITEM

14.

REQUEST FOR AUTHORIZATION TO FILE ACTION AGAINST CORONADO BEACH, INC., TO ESTABLISH THE STATE'S CLAIM TO CERTAIN ACCRETED LANDS ON SILVER STRAND, IMMEDIATELY SOUTH OF HOTEL DEL CORONADO, SAN DIEGO COUNTY - W.O. 3657.

Coronado Beach, Inc., is the present owner of uplands immediately south of Hotel del Coronado, fronting on the ocean side of Silver Strand in San Diego County, on which it plans to make extensive improvements, involving a large capital outlay.

The corporation has had a comprehensive legal and engineering report prepared by its counsel showing that the boundary between its land and that of the State of California is the Ordinary High Water Mark as established by a survey made at its instigation on July 3, 1959. Following the recommendation of its counsel, the corporation has proceeded to monument the claimed area, and to exercise dominion and control thereon preparatory to beginning construction.

The State of California, acting through the State Lands Commission, in June 1941 had a survey made of the Ordinary High Water Mark in the same area, in anticipation of the dredging of San Diego Bay and the depositing of fill material on the ocean side of the Silver Strand. Said survey established the Mean High Tide at a location approximately 500 feet landward of the Mean High Tide established on July 3, 1959, by the representative of Coronado Beach, Inc. It is the opinion of the staff that the accreted lands between the June 1941 line and the July 3, 1959 line were formed artificially, and therefore belong to the State of California.

IT IS RECOMMENDED THAT THE COMMISSION AUTHORIZE THE EXECUTIVE OFFICER TO TAKE ALL NECESSARY ACTION TO AFFIRM THE STATE'S SOVEREIGN OWNERSHIP OF THE ACCRETED LANDS WATERWARD OF THE ORDINARY HIGH WATER MARK ESTABLISHED BY THE COMMISSION'S SURVEY OF JUNE 1941, BOUNDING UPLANDS OWNED BY CORONADO BEACH, INC., ON THE OCEAN SIDE OF SILVER STRAND, SAN DIEGO COUNTY.

MINUTE ITEM

23. PROPOSED OIL AND GAS LEASE, MONTALVO AREA, VENTURA COUNTY -
W.O. 3560.

After consideration of Calendar Item 17 attached, and upon motion duly made and unanimously carried, the following resolution was adopted:

THE EXECUTIVE OFFICER IS AUTHORIZED AND DELEGATED TO DETERMINE A DATE FOR AND TO PUBLISH NOTICE THAT A PUBLIC HEARING WILL BE HELD BY THE COMMISSION OR ITS EXECUTIVE OFFICER IN VENTURA COUNTY TO CONSIDER THE FACTORS FOR SUBSEQUENT COMMISSION DETERMINATION OF THE PROPOSED OIL AND GAS LEASE TERMS AND CONDITIONS FOR THAT AREA OF TIDE AND SUBMERGED LANDS CONTAINING APPROXIMATELY 2,560 ACRES IN VENTURA COUNTY LYING BETWEEN THE SOUTHERLY BOUNDARY EXTENDED OF STATE OIL AND GAS LEASE P.R.C. 735.1 AND A POINT ON THE HIGH WATER MARK APPROXIMATELY TWO MILES SOUTHEASTERLY AND EXTENDING SEAWARD TWO STATUTE MILES.

Attachment

Calendar Item 17 (1 page)

CALENDAR ITEM

17.

PROPOSED OIL AND GAS LEASE, MONTALVO AREA, VENTURA COUNTY - W.O. 3560.

On August 26, 1960, the Commission authorized the Executive Officer to proceed with the publication of a notice, pursuant to Section 6873.2 of the Public Resources Code, that the Commission intends to consider offering for lease for the extraction of oil and gas an area of tide and submerged lands, containing approximately 2,560 acres in Ventura County, lying between the southerly boundary extended of State Oil and Gas Lease P.R.C. 735.1 and a point on the high water mark approximately two miles southeasterly and extending seaward two statute miles. This notice was published September 7 and 14, 1960, in Ventura County.

On September 28, 1960, the County of Ventura submitted a written request to the Commission that a hearing be held with respect to the offering of the oil and gas lease described above.

The next procedural step, pursuant to Section 6873.2 of the Public Resources Code, is that "the commission...may hold such hearings as it shall determine."

IT IS RECOMMENDED THAT THE COMMISSION AUTHORIZE AND DELEGATE THE EXECUTIVE OFFICER TO DETERMINE A DATE FOR AND TO PUBLISH NOTICE THAT A PUBLIC HEARING WILL BE HELD BY THE COMMISSION OR ITS EXECUTIVE OFFICER IN VENTURA COUNTY TO CONSIDER THE FACTORS FOR SUBSEQUENT COMMISSION DETERMINATION OF THE PROPOSED OIL AND GAS LEASE TERMS AND CONDITIONS FOR THAT AREA OF TIDE AND SUBMERGED LANDS CONTAINING APPROXIMATELY 2,560 ACRES IN VENTURA COUNTY LYING BETWEEN THE SOUTHERLY BOUNDARY EXTENDED OF STATE OIL AND GAS LEASE P.R.C. 735.1 AND A POINT ON THE HIGH WATER MARK APPROXIMATELY TWO MILES SOUTHEASTERLY AND EXTENDING SEAWARD TWO STATUTE MILES.

MINUTE ITEM

24. PROPOSED BUDGET 1961-62 FISCAL YEAR - W.O. 3575.

After consideration of Calendar Item 19 attached, and upon motion duly made and unanimously carried, the following resolution was adopted:

THE COMMISSION APPROVES:

1. THE PROPOSED BUDGET FOR THE STATE LANDS COMMISSION FOR THE FISCAL YEAR 1961-62 IN THE TOTAL AMOUNT OF \$1,179,064, INCLUSIVE OF CONTRIBUTIONS TO THE STATE EMPLOYEES RETIREMENT FUND.
2. THE ESTABLISHMENT OF POSITIONS AS FOLLOWS:

<u>SECTION</u>	<u>NO. OF POSITIONS</u>
LEGAL	
ASSOCIATE COUNSEL	1
ADMINISTRATIVE SERVICES	
SENIOR STENOGRAPHER-CLERK	1

Attachment
Calendar Item 19 (3 pages)

CALENDAR ITEM

19.

PROPOSED BUDGET 1961-62 FISCAL YEAR - W.O. 3575.

Despite an anticipated substantial increase in workload, the budget proposal for the State Lands Division, Department of Finance, for the 1961-62 Fiscal Year reflects a decrease of 0.2% as compared with the current year. It has been designed in conformance with a policy directive from the Director of Finance, i.e., that the total appropriation to be requested shall not exceed the appropriation for the current year.

Barometers used to forecast future activity indicate that the Division will be called on to discharge more work than ever during the budget year. Despite the fact that 590 transactions were closed during the past period, the backlog to be handled during the current fiscal year has increased 23%.

The workload of the Division is increasing constantly due to a number of factors; i.e.,

- (1) the need of the office of the Attorney General for more technical assistance in connection with litigation;
- (2) additional legislative assignments;
- (3) the development of new oil and gas leases; and
- (4) resulting heavier administrative duties.

Budgetary restrictions, however, prohibit securing additional staffing to discharge these duties. Under these conditions, the necessary result will be a further increase in the backlog of work.

A comparative summary and analysis of the current and proposed budgets follows:

<u>State Lands Division</u>	<u>Estimate 1960-61</u>	<u>Proposed 1961-62</u>	<u>Increase or Decrease</u>
Number of Positions	112.8	108.8	- 4.
Administration-Support	\$1,117,006	\$1,114,998	\$ - 2,008
Contributions to Retirement Fund	\$ 64,009	\$ 64,066	\$ + 57
Total Expenditures	\$1,181,015	\$1,179,064	\$ - 1,951 (-0.2%)

CALENDAR ITEM 19. (CONTD.)

Comparison by Object Categories

<u>Description</u>	<u>Current Year</u>	<u>Budget Year</u>	<u>Difference</u>
Salaries and Wages	\$ 782,507	\$ 783,201	\$ + 694
Operating Expense	392,134	370,770	-21,364
Equipment	<u>18,841</u>	<u>18,777</u>	<u>- 64</u>
Total Allotments	\$1,193,482	\$1,172,748	\$ -20,734
Estimated Reimbursements	<u>- 76,476</u>	<u>- 57,750</u>	<u>+18,726</u>
Net Expenditures	\$1,117,006	\$1,114,998	\$ - 2,008

Salaries and Wages - Additional salary costs for merit salary adjustments during the budget year amounting to approximately \$24,000, plus the costs of two new positions (\$14,364) are being financed through a transfer of estimated savings, Operating Expense, plus an increase in Estimated Salary Savings.

Positions requested consist of:

Associate Counsel	1
Senior Stenographer-Clerk	1

Details as to the nature of and the justification for these positions are set forth in the Division's Budget Justification, a copy of which has been furnished to the Commissioners.

Operating Expense - The estimated savings of \$21,364 are anticipated as a result of a reduction in costs for Attorney General's services and through the elimination of the non-recurring charge, current year (\$7,000), required for the removal of an abandoned barge offshore Huntington Beach State Park. As has been stated, the savings estimated have been applied to defray additional costs, Salaries and Wages.

Equipment - Allotments requested for the budget year are approximately equal to those for the current year. In addition to normal replacements, funds requested will provide for the furnishing of a technical and law library, and the replacement of two State vehicles in accordance with established State standards.

IT IS RECOMMENDED THAT THE COMMISSION APPROVE:

1. THE PROPOSED BUDGET FOR THE STATE LANDS COMMISSION FOR THE FISCAL YEAR 1961-62 IN THE TOTAL AMOUNT OF \$1,179,064, INCLUSIVE OF CONTRIBUTIONS TO THE STATE EMPLOYEES RETIREMENT FUND.

CALENDAR ITEM 19. (CONTD.)

2. THE ESTABLISHMENT OF POSITIONS AS FOLLOWS:

<u>SECTION</u>	<u>NO. OF POSITIONS</u>
LEGAL	
ASSOCIATE COUNSEL	1
ADMINISTRATIVE SERVICES	
SENIOR STENOGRAPHER-CLERK	1

MINUTE ITEM

25. STATUS OF MAJOR LITIGATION - W.O.s 3019, 2224, 2274.2, 2716, AND 3756.

The attached Calendar Item 25 was presented to the Commission for information.

Attachment

Calendar Item 25 (2 pages)

CALENDAR ITEM

INFORMATIVE

25.

STATUS OF MAJOR LITIGATION - W.O.s 3019, 2224, 2274.2, AND 2716.

The following is current as of October 17, 1960:

1. Case No. 800-58 WM Civil W.O. 3019
U.S. vs. Anchor Oil Corporation, et al.
U.S.D.C., Southern District, Los Angeles County
(Long Beach Subsidence Matter)

(Request by U. S. for court order to shut down Wilmington Field if satisfactory subsurface repressuring programs for land-surface-subsidence alleviation are not put into operation.)

No change in status since report given at meeting of October 29, 1959; i.e., a copy of the plaintiff United States' reply to State's counterclaim was received on August 12, 1959. Discovery proceedings have commenced. Plaintiff United States has served written interrogatories on various co-defendants but not on defendant State of California. It is anticipated that defendants will serve written interrogatories on the Federal Government.

2. Case No. 683324 W.O. 2224
People vs. City of Long Beach
Los Angeles County Superior Court
(Alamitos Bay Quitclaim Litigation)

(Settlement of question as to whether title to oil and gas is vested in City or State in lands granted to City by State and subsequently quitclaimed to State by City.)

No change in status since report given at meeting of August 25, 1960; i.e., The Attorney General's office has filed a Notice of Appeal and a Notice Designating the Record of Appeal.

CALENDAR ITEM 25. (CONTD.)

3. Case No. 70717
County of Orange vs. State of California, et al.
Orange County Superior Court

W.O. 2274.2

(Claim by Orange County that legislative grant to the County of tide and submerged lands in Newport Bay conveyed to the County all tide and submerged lands within the County (with the exception of a grant to the City of Newport Beach).)

No change in status since report given at meeting of September 29, 1960; i.e., The Orange County Board of Supervisors voted unanimously (Resolution No. 60-948, dated September 14, 1960) to abandon subject suit. The mechanics of accomplishing agreement to the dismissal will be handled by the Office of the Attorney General.

4. Case No. 747562
People vs. City of Long Beach, et al.
Los Angeles County Superior Court
(Long Beach Boundary Determination, Chapter 2000/57)

W.O. 2716

The only new development since the report given in the Calendar for the meeting of September 29, 1960, is that the parties, by agreement with special counsel, have agreed that the City of Long Beach will have until November 16 instead of October 17, 1960, to file pleadings.

MINUTE ITEM

26. FORM OF OIL-AND-GAS LEASE, SANTA BARBARA COUNTY - W.O. 3537.

It was reported to the Commission that no modified language is under consideration which might have been discussed in advance with any industry committee since the suggested modifications are primarily matters of draftsmanship. The modifications proposed (see page 2 of Calendar Item 26 attached) were then reviewed, item by item.

State Senator Richard Richards, appearing in the capacity of an attorney-at-law, raised a question as to whether the change proposed in Exhibit "C" to the lease form was to preclude conditional bidding. The Executive Officer stated that this was the intent, and called upon Deputy Attorney General Jay Shavelson for information as to legal sufficiency. Mr. Shavelson reported that it had not been determined as a matter of law if it was necessary to preclude conditional bidding. However, if it were allowed, without precise terms governing conditional bidding, the door might be opened for confusion and possible litigation, and the award of bids might be delayed, or it might even be necessary for the Commission to reject all bids on a particular offer.

Senator Richards then presented arguments in favor of conditional bidding, stating that it should be considered not only in fairness to small operating groups who otherwise might not be able to bid on all parcels being offered, but also in the primary interests of the people of the State of California in regard to getting as much money as possible for the State from tideland bids. He pointed out that the need for conditional bidding was the result of adoption by the State of the practice of putting up more than one parcel at a time for bidding, stating that if only one parcel were offered there would be no problem. He strongly urged the Commission not to make the changes contemplated on page 25, lines 17 through 19, of the proposed lease form.

Commissioners Carr and Anderson stated that they favored offering lease parcels one at a time.

In response to a question by Commissioner Carr as to whether it was within the purview of the Commission to determine that it could put the parcels up one at a time, the Executive Officer referred to the Attorney General's opinion of 1958, which stated that the acceptability or rejection of bids was a policy matter, for determination by the Commission. There is no statutory requirement, and it would be within the purview of the Commission to determine to offer any lands one parcel at a time, thereby eliminating any problems for prospective bidders in the sense that they even had to think about conditioning the bid, and also eliminating any potential problems for the staff in trying to evaluate any series of bids and give the report on which bid was in fact high.

Deputy Attorney General Jay Shavelson indicated that he wanted to clarify what he had said earlier and to remark on the general nature of the 1958 letter advice from the office of the Attorney General, saying that it was an opinion as to what that office thinks is the better legal view, written after the fact that the conditional bids had been received. At that time the Commission was told that the question was not free from legal doubt, and

that he did not think the Commission should deliberately go forward and create a situation where there is any legal doubt, and pointed out that if conditional bids had been received from six or eight bidders in 1958 instead of only one, the problem would have been a lot more difficult than it actually was to resolve. If conditional bidding is to be allowed, it should be allowed only under precisely determined and defined criteria.

Commissioner Carr then made a motion that the parcels be offered one at a time, with as much dispatch as possible.

The Chairman then asked the Executive Officer if it would be possible to approve the lease form except for the two-fold related question of offering parcels one at a time, and the matter of conditional bidding, without slowing up schedules. The Executive Officer replied that any deferment of any portion or any segment of what had been proposed would of necessity retard the final schedule.

The Chairman requested that the office of the Attorney General give the Commission, as far in advance as possible, a recommendation on conditional bidding if conditional bidding was what the Lands Commission decided would be satisfactory, and also asked that the staff and industry explore and give their opinions on step-by-step opening of parcels versus opening several simultaneously, together with recommendations as to the time that would be necessary between parcels if the step-by-step method were used.

UPON MOTION MADE BY COMMISSIONER CARR AND SECONDED BY COMMISSIONER ANDERSON, A RESOLUTION WAS ADOPTED UNANIMOUSLY, APPROVING AND ADOPTING THE ENTIRE FORM OF OIL AND GAS LEASE SUBMITTED AS EXHIBIT "I" WITH THE EXCEPTION OF THE PARAGRAPH IN EXHIBIT "C" ON CONDITIONAL BIDDING, COPY OF WHICH IS ON FILE IN THE RECORDS OF THE STATE LANDS COMMISSION AND IS BY REFERENCE HEREBY MADE A PART OF THESE MINUTES, AS THE BASIC BID-LEASE FORM FOR THE ISSUANCE OF OIL AND GAS LEASES ON TIDE AND SUBMERGED LANDS IN THE AREA WEST OF GAVIOTA AND EXTENDING TO POINT CONCEPTION IN SANTA BARBARA COUNTY, PURSUANT TO DIVISION 6, PUBLIC RESOURCES CODE.

Attachment

Supplemental Calendar Item 26 (2 pages)

*Rescinded by
Minute Item 18
Pg. 6473, meeting
of November 15, 1960.
E. Denny*

that he did not think the Commission should deliberately go forward and create a situation where there is any legal doubt, and pointed out that if conditional bids had been received from six or eight bidders in 1958 instead of only one, the problem would have been a lot more difficult than it actually was to resolve. If conditional bidding is to be allowed, it should be allowed only under precisely determined and defined criteria.

Commissioner Carr then made a motion that the parcels be offered one at a time, with as much dispatch as possible.

The Chairman then asked the Executive Officer if it would be possible to approve the lease form except for the two-fold related question of offering parcels one at a time, and the matter of conditional bidding, without slowing up schedules. The Executive Officer replied that any deferment of any portion or any segment of what had been proposed would of necessity retard the final schedule.

The Chairman requested that the office of the Attorney General give the Commission, as far in advance as possible, a recommendation on conditional bidding if conditional bidding was what the Lands Commission decided would be satisfactory, and also asked that the staff and industry explore and give their opinions on step-by-step opening of parcels versus opening several simultaneously, together with recommendations as to the time that would be necessary between parcels if the step-by-step method were used.

UPON MOTION MADE BY COMMISSIONER CARR AND SECONDED BY COMMISSIONER ANDERSON, A RESOLUTION WAS ADOPTED UNANIMOUSLY, APPROVING AND ADOPTING THE ENTIRE FORM OF OIL AND GAS LEASE SUBMITTED AS EXHIBIT "I" WITH THE EXCEPTION OF THE PARAGRAPH IN EXHIBIT "C" ON CONDITIONAL BIDDING, COPY OF WHICH IS ON FILE IN THE RECORDS OF THE STATE LANDS COMMISSION AND IS BY REFERENCE HEREBY MADE A PART OF THESE MINUTES, AS THE BASIC BID-LEASE FORM FOR THE ISSUANCE OF OIL AND GAS LEASES ON TIDE AND SUBMERGED LANDS IN THE AREA WEST OF GAVIOTA AND EXTENDING TO POINT CONCEPTION IN SANTA BARBARA COUNTY, PURSUANT TO DIVISION 6, PUBLIC RESOURCES CODE.

Attachment

Supplemental Calendar Item 26 (2 pages)

SUPPLEMENTAL CALENDAR ITEM

26.

FORM OF OIL AND GAS LEASE, SANTA BARBARA COUNTY - W.O. 3537.

On March 24, 1960 (Minute Item 34, page 5827), the Commission was informed that Shell Oil Company had submitted a nomination of nine parcels of tide and submerged lands for oil and gas lease development in offshore Santa Barbara County.

On April 28, 1960 (Minute Item 27, page 5908), the Commission scheduled two days of public review of oil and gas leasing policies, to be held in Los Angeles on May 31 and June 1, 1960, and authorized the Executive Officer to proceed with the publication of the notice authorized by Section 6873.2 of the Public Resources Code that the Commission intends to consider offering leases for the extraction of oil and gas from the area of tide and submerged lands not included in existing State oil and gas leases lying between the westernmost State oil and gas lease in the Elwood Field and Point Conception, Santa Barbara County, and extending seaward three nautical miles.

On June 23, 1960 (Minute Item 25, page 6108), the Executive Officer reported that the final date for request by the County of Santa Barbara for a public hearing on the subject lease consideration was June 18, 1960, and that no request had been received from the County.

On July 28, 1960 (Minute Item 28, pages 6177-78), the Commission authorized the Executive Officer to conduct a public review in Santa Barbara of proposed oil and gas lease terms and conditions. This review was held on August 25, 1960, with all Commissioners present.

On September 29, 1960, a draft of a proposed revised form of oil and gas lease was presented for Commission consideration for use in connection with current proposed lease offers. The proposed modified form of oil and gas lease has been reviewed with industry representatives and all parties who have expressed an interest, and has been reviewed and revised by the office of the Attorney General as to form and as to compliance with Division 6 of the Public Resources Code.

A conference on October 21, 1960, with members of the Board of Supervisors of Santa Barbara County and the County legal and planning staffs has indicated the need for an integrated study of the ocean floor and adjoining uplands in that portion of the total area under consideration for lease offer between Gaviota and Elwood to determine economic and aesthetic bases for limitation of the locations of offshore structures.

The substantive lease form modifications suggested on September 29, 1960, related to royalty rate adjustments during secondary recovery operations, the bases for accounting for the total effective number of separate producing wells in royalty computations, and the well spacing requirements for wells of various depths. The office of the Attorney General has reported that there would be doubt as to the legality of inclusion of the first two proposed modifications in the lease form. In summary, the

SUPPLEMENTAL CALENDAR ITEM 26. (CONTD.)

current final draft of lease form contains only the following modifications from the requirements adopted for the last Commission lease offer in 1958:

Page 2, lines 28 through 30:

"The term 'commence operations', as used in this lease and in Exhibit 'A' attached hereto and by reference made a part hereof, is hereby defined to be the actual penetration of the ground with a drilling bit."

Page 3, line 13:

"shall not be less than the highest price ~~of~~ ~~per~~ ~~acre~~ in the nearest field"

Page 8, lines 9 through 12:

"10. The Lessee shall commence operations for the drilling of wells into the leased lands in accordance with Exhibit 'A' ~~attached hereto~~ hereof, ~~and by reference made a part hereof~~ and shall thereafter diligently prosecute such operations."

Page 19, line 12:

"~~8,000~~ 6,000 feet below mean sea level."

Page 19, line 17:

"~~8,000~~ 6,000 feet below mean sea level."

Page 25, lines 17 through 19:

"It is understood that no variation shall be made in this prescribed form of offer and that the insertion of any additional condition, qualification or provision hereon will invalidate the bid."

The final draft is attached as Exhibit I.

Section 6834, Public Resources Code, provides that whenever the Commission determines that lands shall be leased for oil and gas a lease form shall be prepared by the Commission. Therefore,

IT IS RECOMMENDED THAT THE COMMISSION APPROVE AND ADOPT THE FORM OF OIL AND GAS LEASE, ATTACHED HERETO AS EXHIBIT I, AS THE BASIC BID-LEASE FORM FOR THE ISSUANCE OF OIL AND GAS LEASES ON TIDE AND SUBMERGED LANDS IN THE AREA WEST OF GAVIOTA AND EXTENDING TO POINT CONCEPTION IN SANTA BARBARA COUNTY, PURSUANT TO DIVISION 6, PUBLIC RESOURCES CODE.

Attachment
Exhibit I

MINUTE ITEM

27. PROPOSED OIL AND GAS LEASES, SANTA BARBARA COUNTY - W.O. 3537.

No action was taken on Calendar Item 27 attached, in view of the decision made in Minute Item 26 to wait until the November meeting of the Commission before deciding the basis on which lease offers would be made.

Attachment

Calendar Item 27 (1 page)

SUPPLEMENTAL CALENDAR ITEM.

27.

PROPOSED OIL AND GAS LEASES, SANTA BARBARA COUNTY - W.O. 3537.

As reported in the preceding calendar item, a conference on October 21, 1960, with officials of Santa Barbara County established the desirability of an integrated study of the ocean floor and adjoining uplands precedent to consideration by the Board of Supervisors as to the acceptability of any possible modification in the prior one-mile offshore minimum placement restriction for structures in the area easterly of Gaviota (Gaviota to Elwood). Therefore, the following staff recommendations as to royalty rates, lease areas and locations for oil and gas leases to be offered pursuant to competitive public bidding are restricted to the area westerly of Gaviota, extending to Point Conception.

IT IS RECOMMENDED THAT THE COMMISSION AUTHORIZE THE EXECUTIVE OFFICER TO OFFER PARCELS OF TIDE AND SUBMERGED LANDS IN SANTA BARBARA COUNTY FOR OIL AND GAS LEASE, PURSUANT TO DIVISION 6 OF THE PUBLIC RESOURCES CODE.

THE LEASE AWARD IS TO BE MADE TO THE QUALIFIED BIDDER OFFERING THE HIGHEST CASH BONUS PAYMENT IN CONSIDERATION OF THE ISSUANCE OF AN OIL AND GAS LEASE.

THE BID-LEASE FORM TO BE OFFERED FOR THE FOLLOWING-DESCRIBED PARCELS SHALL BE THE FORM APPROVED AND ADOPTED PURSUANT TO THE PRECEDING CALENDAR ITEM OF THIS CALENDAR.

THE PROPOSED LEASE AREAS INCLUDED ARE NOT WITHIN THE KNOWN GEOLOGIC STRUCTURE OF ANY PRODUCING OIL OR GAS FIELDS.

<u>PARCEL</u>	<u>WEST BOUNDARY</u>	<u>EAST BOUNDARY</u>	<u>AREA (ACRES)</u>
W.O. 3537(F)	X = 1,310,420	X = 1,320,570	4250.14
W.O. 3537(G)	X = 1,289,710	X = 1,299,860	4250.14
W.O. 3537(H)	X = 1,279,500	X = 1,289,710	4250.14
W.O. 3537(J)	X = 1,258,850	X = 1,269,000	4250.14

ALL COORDINATES ARE GIVEN IN CALIFORNIA COORDINATE SYSTEM, ZONE 5.

THE LANDWARD (NORTHERLY) BOUNDARY OF EACH PARCEL IS THE ORDINARY HIGH WATER MARK OF THE PACIFIC OCEAN.

THE SEAWARD (SOUTHERLY) BOUNDARY OF EACH PARCEL IS A LINE PARALLEL TO THE ORDINARY HIGH WATER MARK AND SEAWARD THEREFROM THREE NAUTICAL MILES.

THE LEASE RENTAL IS TO BE \$1 PER ACRE PER YEAR.

There being no further business to come before the Commission, the meeting was adjourned at 12:00 noon.

F. J. Hortig
F. J. HORTIG
Executive Officer